



Study to support the impact assessment of an EU initiative to improve the working conditions in platform work

Annexes

PPMi

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List of abbreviations

AIA	Artificial Intelligence Act
AI	Artificial intelligence
API	Application Programming Interface
CAGR	Compound Annual Growth Rate
CBA	Cost-benefit analysis
CEDEFOP	European Centre for the Development of Vocational Training
CEPS	The Centre for European Policy Studies
CJEU	Court of Justice of the European Union
COLLEEM	Collaborative Economy research project
CPC	Commission for the Protection of Competition in Bulgaria
DCCA	Danish Competition and Consumer Authority
DLP	Digital labour platform
DMA	Digital Markets Act
DSA	Digital Services Act
EC	European Commission
ECE	European Centre of Expertise
EU	European Union
EU FRA	EU Fundamental Rights Agency
ECJ	European Court of Justice
EEAS	European External Action Service
EFFAT	European Federation of Food, Agriculture and Tourism
EIGE	European Institute for Gender Equality
EQLS	European Quality of Life Survey
ESENER	European Survey of Enterprises on New and Emerging Risks
ESS	European Social Survey
ETF	European Transport Workers' Federation
ETUC	European Trade Union Confederation
ETUI	European Trade Union Institute
EU-OSHA	The European Agency for Safety and Health at Work
EWCS	European Working Conditions Surveys
FEPS	Foundation for European Progressive Studies
FTE	Full-time equivalent
GDP	Gross domestic product
GDPR	General Data Protection Regulation
GPS	Global Positioning System
HOTREC	Association of Hotels, Restaurants, Cafés & similar establishments in Europe
IA	Impact assessment
IAC	Individual activity certificates
IAATW	International Alliance of App-Based Transport Workers
ICT	Information and communications technology
ILO	International Labour Organization
ISCED	International Standard Classification of Education
JRC	Joint Research Centre
LFS	Labour Force Survey
MCA	Multi-criteria analysis
MEP	Member of the European Parliament
MS	Member States

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NESET	Network of Experts working on the Social dimension of Education and Training
OECD	Organisation for Economic Co-operation and Development
OLI	Online Labour Index
OSH	Occupational safety and health
PES	Public employment services
PHV	Private hire vehicle
P2B Regulation	Regulation of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services
QA	Quality assurance
QMS	Quality management system
SME	Small and medium-sized enterprises
TFEU	Treaty on the Functioning of the European Union
TNC	Transportation network companies
TPWC	Transparent and predictable working conditions
TWA	Temporary work agencies
UGT	Spanish General Workers' Union
WEF	World Economic Forum
WRC	Workplace Relations Commission

Annex 1. Key policies and measures tackling platform work

Table 1. Key policies and measures tackling platform work

Type of policy development	Year, month	Description
AUSTRIA		
Legislation (transportation law)	2021 January	In early 2021, the Occasional Transport Act ¹ was reformed and, in addition to regular occasional transportation services, now includes both taxi and car rental companies, with which ride-hailing platforms like Uber and Bolt cooperate in Austria. This law now regulates working time for self-employed drivers, including the weekly maximum of 48 hours, resting periods, and night work. Furthermore, self-employed drivers and drivers with a service contract in passenger transportation are, according to the Occasional Transportation Act, required to receive regular training.
Collective agreements and other forms of worker organisation	2018 October	The Transnational Federation of Couriers was founded, representing people working through platforms across Europe. Its aim is to improve the working conditions of workers in the platform economy.
Collective Agreement and other forms of worker organisation	April 2018	An agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services, and the European EFFAT (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information about the company's strategies which might impact the work organisation and employee's interests. The agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers to the stakeholders and will hold the same voting rights. This agreement applies in Austria, Finland, France, Germany, Italy, Netherlands, Norway, and Sweden. ²

¹ Austria. Occasional Transportation Act (Gelegenheitsverkehrsgesetz) April 2021. Available [here](#).

² Eurofound (2021). SE (Societas Europaea, European Company) Works Council Delivery Hero. Available [here](#).

Type of policy development	Year, month	Description
Collective agreements and other forms of worker organisation	2020 January	Social partners agreed on the first collective agreement for all bicycle couriers who have an employment contract with any traditional company and those who have an employment contract with a platform. With the agreement now they must receive a monthly gross wage of EUR 1,506, additional holiday and Christmas remunerations, the customary additional 13th and 14th months' pay, the option to work only four days a week, and an additional compensation of EUR 0.14 per kilometre when couriers use their own bicycle. ³ Those who work as independent contractors, are not eligible for the conditions under this collective agreement.
Collective agreements and other forms of worker organisation	2021 January	Social partners agreed on the collective agreement for all drivers in passenger transport who have an employment contract with any traditional company and those who have an employment contract with a platform. With the agreement now they must receive a monthly gross wage between EUR 1.604,10 and EUR 2.756,70, depending on working experience and occupation group. In addition, employed drivers are entitled to holiday and Christmas allowances, each amounting to one gross monthly salary. The agreement regulates employed drivers' working time, including the weekly maximum of 40 hours, resting periods and additionally regulates overtime and work on weekends and holidays. ⁴ Those who work as independent contractors, are not eligible for the conditions under this collective agreement.
<u>BELGIUM</u>		
Legislation (taxation law)	2018-2020	An Act was legislated, establishing a tax threshold of EUR 6,130 per year, under which employees can have an additional income from digital platforms, from work for non-commercial associations, and from small non-professional jobs for other citizens. For this additional income, there are no income taxes or social security contributions required. The Constitutional Court overturned this tax scheme and it was abolished in the end of 2020 and since 2021 the services provided through recognized electronic platforms will be taxed at a tax rate of 20%. ⁵
Legislation (regional)	2021 March	Brussels government passed a legislation according to which drivers who provide services through smartphones and with geolocation can be fined and have their car confiscated. This means ride hailing companies in Brussels (Uber and Heetch) are effectively unable to operate in the capital. ⁶ One of the reasons for introducing this measure is to address the fact that drivers in Brussels work as independent contractors without benefits, guaranteed wages, or social protections.

³ Digital Platform Observatory (2020). Austrian collective agreement for couriers. Available [here](#).

⁴ Kollektivvertrag.at (2021). Collective Agreement Passenger Transportation. Available [here](#).

⁵ Maertens, P. (2020). Circular letter on the taxation regime of the collaborative economy: Impact of the decision of the Constitutional Court. Available [here](#).

⁶ Lyons. H. (2021). Uber drivers can no longer use smartphones in Brussels. Brussels Times. Available [here](#).

Type of policy development	Year, month	Description
Labour Inspectorate and other administrators	2018 February and March	The Administrative Council decided the presumption of employment is applicable to Deliveroo riders. The Council argued that Deliveroo bears the entrepreneurial risk, defines the business conditions, and determines the relationship with the customer, fixes the price without any influence of the rider, and the rider offers a service rather than a result as well as wears Deliveroo's brand and appears as an integral part of it rather than a separate undertaking vis-à-vis third parties. The Brussels Labour Court is due to decide on the potential classification of Deliveroo as an employer: the hearings in the case brought against Deliveroo by the Labour Inspectorate, the National Social Security Office and a number of individual riders are due for 28 October 2021. ⁷
Labour Inspectorate and other administrators	2020 October	The Administrative Council decided that there is the presumption of employment to be applicable to Uber drivers. The Council based its decision on the fact that the driver has no real autonomy of organising his/her work and determining working hours, the payment is processed by Uber and direct payments to drivers are prohibited, Uber gives precise instructions (e.g. concerning the itinerary, the presence of persons inside a vehicle, the comportment while driving etc.), Uber exercises control via GPS tracking and customer rating, and there is a comprehensive sanctioning regime. ⁸ The Brussels Labour Court is, however, due to decide on the potential classification of Uber as an employer, however there is no definite schedule yet for the proceedings on Uber's more recent appeal against the CRT's decision of 2020. ⁹
Case law	2019 January	The Enterprise Court of Brussels ruled that UberX (Uber branch in Brussels) is not a taxi service governed by the Brussels regulation of 27 April 1995 on taxi services and services with regard to the renting of vehicles with chauffeurs. This decision meant Uber in Brussels was not considered a transport service and is therefore not liable to provide its drivers with benefits such as holiday or sickness pay. ¹⁰ It also confirmed that Uber drivers are self-employed and did not reclassify their employment relationship. ¹¹
Actions by platforms	2018	After demands made by Deliveroo couriers an insurance agreement was set up by Deliveroo with regard to work accidents. Deliveroo states that they provided insurance for their couriers to deal with potential work accidents. However, trade unions

⁷ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases of alleged misclassification of platform workers: comparative analysis and tentative conclusions. Luxembourg: Publications Office of the European Union.

⁸ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases of alleged misclassification of platform workers: comparative analysis and tentative conclusions. Luxembourg: Publications Office of the European Union.

⁹ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases of alleged misclassification of platform workers: comparative analysis and tentative conclusions. Luxembourg: Publications Office of the European Union.

¹⁰ Osborne Clarke (2019). Recent Judgment Marks a New Era in the Uber(X) Saga. Available [here](#).

¹¹ Beltran, I. & Ruiz, H. (2018). Employment status of platform workers (national courts decisions overview – Argentina, Australia, Belgium, Brazil, Canada, Chile, France, Germany, Italy, Nederland, Panama, Spain, Switzerland, United Kingdom, United States & Uruguay): UNA MIRADA CRÍTICA A LAS RELACIONES LABORALES. Ignasi Beltran. Available [here](#).

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Type of policy development	Year, month	Description
		criticized the insurance as having very limited scope compared to the insurance received by employees and stressed the lack of compensation for material costs. ¹²
<u>BULGARIA</u>		
Legislation (labour law)		In Bulgaria, a third category of workers exists under the concept of 'contractors' and they fall under the scope of general social insurance legislation, as employees and self-employed. Bulgarian labour law also stipulates that if a contract with an independent service provider conceals an actual employment relationship, the contract will be classified as an employment relationship with all legal consequences for the parties in this regard. ¹³ No court cases have yet been raised to reclassify people working through platforms.
Labour Inspectorate and other administrators	2019	The Ministry of Labour and Social Policy commissioned a report to analyse the new forms of work and the expected changes in the organisation of labour and employment which includes work through platforms. The report found that work through platforms only partially fulfils the definition of an employment relationship within the existing labour legislation and legal tradition and concluded that Bulgaria will wait for a common EU-wide resolution rather than take the initiative to introduce its own new regulations. ¹⁴
Labour Inspectorate and other administrators	2015	The Commission for the Protection of Competition (CPC) in Bulgaria after investigations into Uber, prompted by protest led by trade unions and local taxi services, declared that the platform has been engaging in unfair competition. CPC fined Uber for such activity for EUR 25,532 and an additional EUR 25,532 for failing to provide information requested during the investigation. ¹⁵ The fines came together with a ban on Uber's operations in Bulgaria and the ban was confirmed by the Supreme Administrative Court. ¹⁶
<u>CROATIA</u>		

¹² A. De Becker (not published). Data collection template for Belgium, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹³ Kabatliyska, V. & Todorova, M. (2020). Employment and employee benefits in Bulgaria: Overview. Practicallaw. Thomsonreuters. Available [here](#).

¹⁴ L. Bogdanov (2021). Thematic Review 2021 on Platform Work: Bulgaria. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Luxembourg: Publications Office of the European Union.

¹⁵ Markova, E. (2016). Bulgaria: Supreme Court shuts down smartphone car service Uber. Eurofound. Available [here](#).

¹⁶ Markova, E. (2016). Bulgaria: Supreme Court shuts down smartphone car service Uber. Eurofound. Available [here](#).

Type of policy development	Year, month	Description
Legislation (labour law)		Croatia is one of the countries with a subcategory for employment status, which applies to people working through platforms who can work under a 'contract for services'. In this case, they are not considered self-employed and pay pension contributions at half the rate set for self-employed workers. ¹⁷
Legislation (transportation law)	2018 May	In 2018, the Law on Road Transport was changed (liberalised) to allow the work of Uber.
Legislation (immigration law)	2021 January	In 2021 Croatia adopted the new Immigration Law which will have implications for foreign people who work through platforms. It introduced the special category of people named the 'digital nomads'. According to the Law, a digital nomad is a third-country national who is employed or performs business through communication technology for a company or his own company that is not registered in Croatia and does not perform business or provide services to employers in the territory of Croatia (see Art. 3). As of 2021, digital nomads are entitled to a special kind of 'nomad visa' which allows them to pay income taxes in their home countries where they reside. According to this Law, a digital nomad that stays in the country for more than a year will be able to ask for permanent residence. Potentially this could increase the number of people working through platforms in the country. ¹⁸
Case law	2019 March	In March 2019, the Constitutional Court accepted the Constitutional Complaint against the 2018 changes to the Law on Road Transport because this law annuls the right to work for drivers in public transport, the right to equal conditions in business and non-discrimination. The conclusions of the Court are still not reached. ¹⁹
Collective agreements and other forms of worker organisation	2021 February	The Independent Union of Taxi Drivers announced in February 2021 that, due to unsustainable taxi fares, which are being dumped by Uber and Bolt, they will ask the Government to limit the minimum fare per kilometre by amending the Road Transport Act ²⁰ (in case the initiative succeeds, it should directly affect the salaries of drivers on platforms) ²¹ .
Collective agreements and other forms of worker organisation	2012	In Croatia, there is no active trade union organising people who work through platforms, but there is the Croatian National Coworking Community. It is a programme by the Croatian Independent Professionals Association (CIPA). The initiative was started in the spring of 2012, and the members believe that in a short period they significantly contributed to the promotion

¹⁷ Eurofound (2018). Platform work: Employment status, employment rights and social protection. Available [here](#).

¹⁸ Butković, Hrvoje (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Thematic Review 2021 on Platform Work: Croatia. Luxembourg: Publications Office of the European Union, 2021.

¹⁹ Butković, Hrvoje (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Thematic Review 2021 on Platform Work: Croatia. Luxembourg: Publications Office of the European Union, 2021.

²⁰ Zakon o prijevozu u cestovnom prometu, OG 41/18, 98/19, 30/21).

²¹ Grund, Z. (2021). Taksisti se bune jer im, kažu, Bolt i Uber ruše cijene. 'Vožnja od Glavnog do Autobusnog ne može koštati 14 kuna'. Telegram, 9. 02. 2021. Available [here](#).

Type of policy development	Year, month	Description
		of the coworking movement. Nonetheless, they are aware they have a long way to go. Their goal is to participate in opening an NGO-based 'freelance coworking centre' in Zagreb, where they encourage and endorse each new coworking space in Croatia. ²²
<u>CYPRUS</u>		
Policy documents	2020 January	The Cypriot National Strategy was published in January 2020 and sets out actions to promote research and innovation, enterprising and start-up conditions, competition, the creation of national pools of data, digitalisation, smart cities, centres of excellence, development of skills and utilization of talents, long life learning. There is a nominal vague reference to the need to develop a moral and credible AI, acknowledging the need to comprehend the ways in which AI impacts on issues of morality and human rights so as to address issues of credibility of the technology. ²³
Legislation (labour law)		Eurofound categorized Cyprus as a country where there are universal elements to protection for the self-employed, but with no specific system for such an employment status. ²⁴
<u>CZECH REPUBLIC</u>		
Labour Inspectorate and other administrators	2017 May	After considering the challenges brought by digital platforms, the government developed National Action Plan (Work 4.0). It has 4 priorities: regulation of impact of technological changes on demand on labour force and employment; Support of further specialised education; adjustment of labour market within the context of technological changes; regulation of impact of technological changes on selected social aspects. ²⁵ The last priority includes revising the Labour Code to improve OSH and working conditions for those working from home and also to address the mental and physical health elements in platform work. The action plan has been approved by the Government. ²⁶
Labour Inspectorate and other administrators	2017	In 2017, the Government issued a report on platform work that differentiates between 'genuine sharing economy', which generates only small income for its participants, and activities through platforms which create substantial income. In the first case, the government advised benign tolerance of unregulated nature of such activities; in the second, such activities

²² Butković, H., & Samardžija, V., (2019). The Digital Transformation of the Labour Market in Croatia. Zagreb: Institute for Development and International Relations, p. 184. Available [here](#).

²³ Demetriou, C. & Trimikliniotis, N. (not published). Data collection template for Cyprus, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

²⁴ Eurofound (2017). Exploring self-employment in the European Union, Publications Office of the European Union, Luxembourg. Available [here](#).

²⁵ Garben, S. (2017). Protecting Workers in the Online Platform Economy: An overview of regulatory and policy developments in the EU. Publications Office of the European Union. Available [here](#), 70.

²⁶ Garben, S. (2017). Protecting Workers in the Online Platform Economy: An overview of regulatory and policy developments in the EU. Publications Office of the European Union. Available [here](#), 70.

Type of policy development	Year, month	Description
		should be treated as self-employment. The report goes out to argue that working through platforms is a side activity providing extra income for people in the Czech Republic and not a 'continuous activity' for making a living. Thus it cannot be seen as an activity which 'would constitute employment or similar relationship' ²⁷ . This position is shared by the Ministry of Labour and Labour Inspectorate, who claim that platform work does not fulfil most criteria to be considered 'dependent work', which is necessary for employment designation and that there is no need to introduce any 'special status' for people working in the platform economy ²⁸ .
Labour Inspectorate and other administrators	2018	A memorandum between government and Uber was signed, representing the key initiative related to digital labour platforms. It commits the company to apply the rules governing the taxi sector and includes a data sharing provisions for the tax collection purposes. However, the authorities, including those in charge of labour inspection, apparently accept that the company operates on the basis of self-employment. ²⁹
DENMARK		
Legislation (proposals)	2017 October	The Danish government has set out 22 proposals concerning taxation in the sharing economy, working conditions, and rules and responsibilities for workers, clients, and platforms. ³⁰ The government aims to set up an online portal for specific information provided by the authorities regarding platforms. It is planned to have online reporting of revenue in order to lower taxes on income generated through providing accommodation or transportation via platforms. Proposals also include taking measures against grey areas existing in legislation and focus on expanding the knowledge base for people working through platforms regarding unemployment insurance funds and job centres on the rules for unemployment benefits. ³¹
Labour Inspectorate and other administrators	2018 May	The strategy set out in 2017 translated into a political agreement between the government and social democrats on better conditions for growth in the platform economy. The agreement led to the establishment of the Council for Sharing Economy dedicated for social dialogue with the social partners and the industry, which will advise the Minister of Business on developments in the sharing and platform economy. ³²

²⁷ Czechia, Office of the Government of the Czech Republic (Úřad vlády České republiky) (2017). Analysis of the sharing economy and digital platforms (Analýza sdílené ekonomiky a digitální platform). Available [here](#), p. 84

²⁸ Adamcová J. and Klesla J. (2017) Shared work: Regulation of labour law relations in the shared economy (Sdílená práce: Regulace pracovně-právních vztahů ve sdílené ekonomice). Prague: Institut pro digitální ekonomiku. Available [here](#), p. 5

²⁹ Drahokoupil, Jan (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies : Czechia. Luxembourg: Publications Office of the European Union, 2021.

³⁰ See summary [here](#).

³¹ Eurofound. (2020). Platform economy initiatives. Available [here](#).

³² OECD (2019). Policy Responses to New Forms of Work. Available [here](#).

Type of policy development	Year, month	Description
Legislation (labour law)	2018 July	A new unemployment insurance scheme came into force, whereby rights are accrued depending on activities rather than on contractual arrangement. This makes Denmark one of the countries in which the government tried to decouple welfare protection from the employment relationship after the rise of atypical forms of employment.
Legislation (labour law)	2020 September	The Danish government put forward a legislative proposal wishing <i>inter alia</i> to reaffirm the incentive to become self-employed and to improve the pay compensation – beyond maternity and parental benefits – during maternity and parental leave. The proposal is thought to ensure that self-employed (including people working through platforms) would have equal access to social protection related to childbirth and care (as workers who are classified as employees do). Moreover, it guarantees that self-employed would also be entitled to compensation from the equalisation scheme. Therefore, people working through platforms would have greater financial security to, for example, cover the fixed expenses of their business while on maternity and parental leave. The proposal is not yet adopted.
Legislation (labour law)	2020 May	Statutory consolidated act no. 674 of 25 May 2020 on the working environment was passed. It established that the responsibility of monitoring daily and weekly rest periods of people working through platforms in Denmark lies with the employer, and the Danish Working Environment Authority supervises their compliance. The authority can fine employers for not fulfilling their obligations according to the Working Environment Act. ³³ However, if the person working through a platform is self-employed, the requirements concerning daily and weekly rest periods must be fulfilled by the person working through platform.
Collective agreements and other forms of worker organisation	2021 January	An agreement between 3F (Transportation Group) and the employer organisation Dansk Erhverv covering food delivery services was signed. ³⁴ The scope of the agreement is employees, who for a third party, deliver takeaway food from restaurants, pizzerias, fast food chains, bakeries, and others offering take away meals. Delivery may take place on a bike, kick bike, moped, scooter, motorbike, cars under 2,000 kilos and similar vehicles. The agreement sets out regulations on working time, hourly wage, training, and provision of equipment.
Collective agreements and other forms of worker organisation	2018 September	The Voocali agreement ³⁵ was concluded between HK Privat, the largest union for salaried employees, and Dansk Erhverv, the Danish Chamber of Commerce. The parties agreed to conclude a special collective agreement for freelance interpreters at Voocali. ³⁶ The agreement entails that interpreters, who are employees, are provided with all the rights of the Sectoral Collective Agreement for White Collar Workers in Trade. The agreement entails that freelance interpreters receive a guaranteed fee agreed to in the collective agreement with HK Privat, transportation compensation, a no-show fee in event

³³ Statutory consolidated act no. 674 of 25 May 2020 on the working environment.

³⁴ The agreement is available [here](#).

³⁵ The accession agreement is available in Danish [here](#). Accessed 28 July 2020.

³⁶ Munkholm (2021). Collective Agreements and Social Security Protection for Non-Standard Workers and Particularly for Platform Workers: The Danish Experience, Chapter 7, Ulrich Becker, Olga Chesalina (Ed.) Social Law 4.0, New Approaches for Ensuring and Financing Social Security in the Digital Age, 1. Edition, p. 194. Available [here](#).

Type of policy development	Year, month	Description
		of cancellation, a requirement of objective reasons for being excluded from the platform, registration of taxes for freelancers without a Business Registration Number, no restrictions with regards to carrying out assignments outside of Voocali.com, and data portability to take their user ratings with them.
Collective agreements and other forms of worker organisation	2018 August	3F (Service Group) and the digital platform Hilfr concluded a collective agreement ³⁷ for cleaners performing cleaning services via the Hilfr app. The agreement applies to 'employed cleaning assistants', but not to 'freelancers' otherwise associated with the platform. The agreement assigns the cleaners a default status as freelancers for the first 100 hours of services. When a cleaner has performed 100 hours of service, the status automatically changes to one of 'employee'. From this point on, the agreement starts to apply to the service provider (now employee). The agreement does not preclude the cleaner from choosing 'employee'- status before having provided 100 hours of services, or to retain his/her 'freelancer' - status after having provided 100 hours of services. This is a major novelty for collective agreements. ³⁸
Collective agreements and other forms of worker organisation	2021 January	The Danish Chamber of Commerce and 3F Transport (Transport Group) concluded a nationwide collective agreement for food delivery services which was signed by Just Eat delivery platform. The agreement establishes minimum wage, bonuses and pay for extra hours (e.g.: night shifts), sets minimum working hours and as well as gives them access to pensions and sickness, leave and family benefits. ³⁹
Labour inspectorate and other administrators	2020 August	The Danish Competition Authority reviewed the classification of the people employed by the Hilfr platform and concluded that the classification of the Super Hilfr's as employees was inappropriate under competition law – much to the dismay of the Social Partners. The assessment of the DCCA has nevertheless been criticised as a misguided ruling. ⁴⁰ The case was subsequently settled by Hilfr committing to ensure that those classified as employed by the platform would be entitled to the same rights as employees in relation to competition law, which originally was the intention behind the conclusion of the collective agreement with 3F. ⁴¹ The DCCA has accepted those commitments as satisfactory. ⁴²
Case Law	2019 August	A Western High Court determined ⁴³ that the time a driver spent during a 13-hour shift at home being at the disposal of the employer limited his freedom to pursue recreational activities, thus classifying the entire on-call time as working time under the Working Time Act. The same assessment of working time would apply to all people working through platforms being on

³⁷ The agreement is available [here](#).

³⁸ Munkholm and Højer Schjøler (2018). Platform Work and the Danish Model – Legal Perspectives. Aarhus, Nordic Journal of Commercial Law, p. 138. Available [here](#).

³⁹ Time.news (2021). Just Eat-trade union agreement, 4 thousand riders hired. Available [here](#).

⁴⁰ Stefano, Valerio and Nicola Countouris (2020). Collective-bargaining rights for platform workers, Social Europe. Available [here](#).

⁴¹ As part of its commitment, Hilfr sought to ensure that there is legal subordination between Freelance Hilfrs and the Super Hilfrs, and that Hilfr will bear the financial risk for Super Hilfr's cleaning work through the platform.

⁴² Ilsøe, Anna et al. (2020). Hilfr-aftalen – et nybrud i det danske aftalesystem. FAOS/WELMA Analysis. Available [here](#), p. 11.

⁴³ Western High Court, case number U.2019.4136V.

Type of policy development	Year, month	Description
		call, however, if a person working through platforms is self-employed, the worker has no right to daily breaks or maximum weekly working hours under the Working Time Act. ⁴⁴
<u>ESTONIA</u>		
Legislation (taxation)	2015	The Estonian Tax and Customs Board asked Uber to establish an automatic earnings declaration system for drivers. With this system people working through platforms can opt-in to share their earnings made on Uber directly with the tax office, automatically adding this to their tax return, simplifying the burden for the worker. ⁴⁵
Legislation (transport law)	2017 November	The Estonian Parliament amended the Public Transportation Act to regulate platform-based transportation services. The amendment requires no professional training from a person working through platforms, but the rideshare platforms are responsible for arranging the necessary instruction. Also, as the price for a ride is calculated online, thus taxi workers on platforms are not required to have a taximeter. A taximeter is required only of taxis who provide services at a taxi stand or from the curb and must follow local price limits. ⁴⁶
Legislation (taxation)	2018	In 2018, a new form of self-employment was introduced, following debates on the future of work and digitalization of markets and economy. The Simplified Business Income Taxation Act ⁴⁷ introduced the part-time self-employment via on-request services like transportation, accommodation, and food delivery. The regulation launches a system of Entrepreneur Account. Here, natural persons can sell services and goods to other natural persons and sell goods to legal persons for up to EUR 25,000 annually (in order to avoid the abuse, no services can be sold to legal persons). The Entrepreneur Account is intended to simplify the tax liability for the payments received for the provision of services from one natural person to another natural person or for the sale of goods to a natural or legal person. A person who has opened an entrepreneur account is not obliged to register as an entrepreneur and to calculate revenues and expenses. The owner of the entrepreneur account cannot be a VAT payer or be acting as a self-employed person in another form (e.g., self-proprietor) in the same or similar area of activity. The entrepreneur account could be useful for a person who provides services to other natural persons in the areas of activity that do not involve any direct expenses, or for a person who sells self-produced goods or handicraft goods or the goods with low costs of materials or acquisition. ⁴⁸

⁴⁴ Videbæk Munkholm, Natalie and Christian Højer Schjøler (2020). Protection of platform workers in Denmark Part 2 Country report. Nordic future of work project 2017–2020: Working paper 10. Pillar VI. FAFO. Available [here](#).

⁴⁵ Senat.fr. (n.d.). Taxation and the collaborative economy: The need for a fair, simple and unified regime. Available [here](#).

⁴⁶ Eurofound. (2020). Platform economy initiatives. Available [here](#).

⁴⁷ Riigikogu (2017). Simplified Business Income Taxation Act. Available [here](#).

⁴⁸ Masso, Mart and Kirsti Melesk (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies: Estonia. Luxembourg: Publications Office of the European Union, 2021.

Type of policy development	Year, month	Description
Collective action	2018 January	Taxify drivers organised a meeting to campaign against the new pricing scheme introduced by Taxify in December which decreased drivers' real income. During the meeting, the drivers expressed their dissatisfaction with the pricing policy, including lack of co-determination in the price policy. ⁴⁹
FINLAND		
Legislation (transport law)	2017-2019	The Act on Transport Services ⁵⁰ has been updated with new provisions since 2017. The new additions have included preconditions for digitalisation and new business concepts in transport, and promoting competition. Its key aim is provision of customer-oriented transport services, as it removed taxi permit caps, introduce fare restrictions. The deregulation removed the numerical restrictions on taxi licences, the maximum price regulation and the obligation to be organized by a dispatch centre. The new taxi legislation essentially legalized the previously 'paused' Uber Pop and made it possible for Uber to re-introduce a service organized with self-employed drivers using their own cars (called Uber X) in Helsinki. The deregulation also opened the market for other ridesharing companies. ⁵¹
Legislation (labour and social law)	2019	The Finnish government has initiated a family leave reform, to increase the duration of paid family leave in a way that gives mothers and fathers an equal quota of months. ⁵² The Federation of Finnish Entrepreneurs in the tripartite working group ⁵³ has highlighted how the rigidities of the existing family leave system are challenging for people working as entrepreneurs and self-employed people working through platforms who might not be able to take the long leaves from paid work. ⁵⁴
Policy documents	2020	Platform work is explicitly included in the Government Strategy for Tackling the Grey Economy and Economic Crime (2020-2023). In line with the Government Programme, the strategy aims at reviewing and clarifying the employment contracts act as well as the application practices of different authorities concerning light entrepreneurship and new forms of work. The strategy aims to improve the access of Tax authorities to financial information of companies, especially expanding the obligation of digital platform economy actors to provide information. The purpose of the efforts to combat undeclared work is to improve working conditions, promote labour market integration and facilitate social inclusion. ⁵⁵

⁴⁹ M. Masso (not published). Data collection template for Estonia, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

⁵⁰ The Act on Transportation Services 320/2017, available [here](#).

⁵¹ A. Mustosmäki (not published). Data collection template for Finland, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

⁵² Finnish Government (2019). Inclusive and competent Finland – a socially, economically and ecologically sustainable society. The government programme of Prime Minister Sanna Marin's Government'. Available [here](#); as well as discussions in the Finnish Parliament available [here](#).

⁵³ Ministry of health and social affairs (2020). Family leave reform aims at encouraging both parents to take family leave. Available [here](#).

⁵⁴ Interview with the Lawyer of the *The Finnish Confederation of Professionals* (STTK) 16 November 2020.

⁵⁵ A. Mustosmäki (not published). Data collection template for Finland, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

Type of policy development	Year, month	Description
Actions taken by labour inspectorates and other administrators	2020 October ⁵⁶	A decision by the Labour Council ⁵⁷ shed some light on the status of people working through platforms, it concluded that food couriers may be regarded as employees. The Labour Council came to a conclusion, which disclosed that algorithmic distribution of gigs (which is based on worker ratings and execution of delivery) corresponds to work performed under the employer's direction and supervision. In other words, the Labour Council perceived that the Finnish companies Wolt and Foodora and the app information on couriers' execution of tasks make it possible for the company to supervise couriers in a rather detailed manner. Although the Council's statements are not legally binding, they are considered as having societal importance because the Council consists of legal experts. ⁵⁸ Further, it was the first time an authority evaluated the employment status of people working through platforms. Further, this appeal made by the Regional State Administrative Agency to the Labour Council demonstrates that Occupational Safety and Health authorities have started to look for opportunities to monitor platform companies.
Case Law	2016	The Court of Appeal stated that driving for Uber without the appropriate taxi license contravenes Finnish legislation, confirming earlier rulings and setting a precedent for future cases. Uber suspended its operations for a year until the new regulatory framework was passed by the government (The Act on Transport Services) which loosened the permit conditions for taxi-driving considerably. ⁵⁹
Collective agreements and other forms of worker organisation	2018	Establishment of Justice4Couriers - a campaign by the Finish working on delivery platforms to improve the working conditions of couriers and drivers. The campaign demands to repeal pay cuts, transparent shift allocations, and break spaces for couriers and drivers, equipment compensations and insurances against illness and accidents, and the possibility of an employment contract. The main targets of the campaign are Foodora and Wolt. ⁶⁰
Collective Agreement and other forms of worker organisation	April 2018	An agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services, and the European EFFAT, (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information about the company's strategies

⁵⁶ Labour Council (2020). Statement on the application of the Working Hours Act on food couriers working through Company X. Helsinki: Labour Council. Available [here](#).

⁵⁷ The Labour Council is a tripartite body that operates under the Ministry of Economic Affairs and Employment.

⁵⁸ There is no immediate government response to this as the government's programme made in 2019 already states the aim of revising the Employment Contract Act. It was the regional work inspection authority that made the appeal to the Labour council to evaluate the labour market status of platform workers. The Labour council statement is based on the interpretation of the current law.

⁵⁹ Garben, S. (2017). Protecting Workers in the Online Platform Economy: An overview of regulatory and policy developments in the EU. Publications Office of the European Union. Available [here](#).

⁶⁰ Eurofound. (2020). Platform economy initiatives. Available [here](#).

Type of policy development	Year, month	Description
		<p>which might impact the work organisation and employee's interests. The agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers to the stakeholders and will hold the same voting rights.</p> <p>This agreement applies in Austria, Finland, France, Germany, Italy, Netherlands, Norway, and Sweden.⁶¹</p>
FRANCE		
Legislation (digital right)	2016	In France people working through platforms have the right to data portability (meaning that they can transfer their ratings from one platform to another). This was introduced in the French Bill for a Digital Republic of 2016. The legal basis of the right to data portability is both the control over data by the individual and the support of competition. ⁶² In regards to algorithms, the law provides the explicit mention of the use of algorithmic processing in the context of an administrative decision and the possibility for the user to request the main rules of the algorithm on which the decision is based on. ⁶³
Legislation (labour and social law)	2016 August and 2018 January	<p>Law 2016-1088 legally defined 'electronic platforms' by extending rights to people working through platforms, such as the right to create and join a union, organize and join a strike. It granted rights to people working through platforms on labour, modernisation of social dialogue, and guarantees for securing of professional careers.⁶⁴</p> <p>In January 2018 it was updated that if the worker earns more than 13% of the annual social security ceiling (EUR 5,100) per year through the platform, the platform must cover worker's insurance against occupational accident or illness and cover professional training or 'validation of academic credit' (also recognizing prior learning) of those workers, and provide a training indemnity.⁶⁵</p>
Legislation (taxation law)	2018 October 2019	French Law no. 2018-898 introduced a tax code for platforms. Platforms must provide their tax obligations to users and a link to the tax office's website to their users. 2019 amendment to the Finance Act stipulates that from 2019 all online platforms (whether based in France or abroad and regardless of area of business) would be obliged to send directly the earnings of their workers to the tax authorities. ⁶⁶

⁶¹ Eurofound (2021). SE (Societas Europaea, European Company) Works Council Delivery Hero. Available [here](#).

⁶² Nuria Ramos Martín (not published). Data collection template for France, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

⁶³ Nuria Ramos Martín (not published). Data collection template for France, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

⁶⁴ Eurofound. (2020). Platform economy initiatives. Available [here](#).

⁶⁵ Eurofound. (2020). Platform economy initiatives. Available [here](#).

⁶⁶ OECD (2019). Policy Responses to New Forms of Work. Available [here](#).

Type of policy development	Year, month	Description
Legislation (transport law)	2019	<p>The Bill on Transport Mobility (<i>Loi LOM</i>) was aimed to improve social rights and working conditions of people working through platforms in the transportation sector. Platforms can voluntarily establish a social responsibility charter with guarantees to people working through platforms such as: freedom of activity, decent income for each task, improved working conditions, transparency, prohibition of exclusivity clause and unilateral breaking of contract without compensation, and provide opportunities for career development and training. The charter must be approved by the French administration for it to have a binding legal character.⁶⁷</p> <p>The LOM also extended the right to disconnect to self-employed drivers in the transportation industry. The LOM defines the 'right to disconnect' as the right to switch off the driving app without retaliation. So people working through platforms have now the right to choose when they want to be—and remain—active in the digital application.⁶⁸</p>
Legislation (labour and social law)	2018-2020	<p>A major reform to social protection is being implemented between 2018 and 2020. It brings coverage of the self-employed under the general social protection scheme, limiting the administrative changes required if a person moves between employment and self-employment. One of the main aims is to ensure continued social security coverage throughout peoples' careers. Other efforts to simplify payment and filing procedures were also announced, such as unifying social and tax declarations for the self-employed from 2020.</p>
Legislation (proposal)	2020	<p>In 2020 there has been a legislative proposal to extend the social rights of people working through platforms. A study ordered by the French Prime Minister and conducted by Jean-Yves Frouin in 2020 made further proposals both on the status of people working through platforms and on social dialogue.⁶⁹ The working group proposed the adoption of a new bill⁷⁰ aimed to create a new type of employment contract that would apply to the relationships between people working through platforms and the digital platforms. Under the bill, people working through platforms would enjoy certain labour rights, such as a maximum daily and weekly working hours. The proposed bill also included some references to the right to collective bargaining between platforms and workers, imposing yearly negotiations between the platforms and workers' representatives. Furthermore, the bill proposed that people working through platforms would have access to unemployment insurance and to the general health insurance system. Also, the bill proposed to include in the labour code a right to information regarding the algorithms that determine certain essential aspects of the work relationship between the worker and the platform. In June 2020, this proposed bill was rejected by the French Senate.</p>
Actions taken by platforms	2017-2018	<p>Law in 2016 which introduced the principle of social responsibility for platforms encouraged many platforms to partner with insurance companies to offer insurance policies for accident and liability protection. Uber announced a partnership with</p>

⁶⁷ Eurofound. (2020). Platform economy initiatives. Available [here](#).

⁶⁸ Nuria Ramos Martín (not published). Data collection template for France, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

⁶⁹ Frouin, J. Y., (2020). Pour une meilleure représentation des travailleurs des plateformes numériques, available [here](#).

⁷⁰ Library (2020). France: Bill Intended to Create New Status for Platform Economy Workers Defeated in Senate, available [here](#).

EUROPEAN COMMISSION

Type of policy development	Year, month	Description
		AXA in July 2017, and in May 2018 it declared that it was expanding the partnership on a European scale. Deliveroo also entered into a partnership with AXA in March 2017. ⁷¹
Actions taken by platforms	2019-2020	Deliveroo France proposed to bear the expense of medical teleconsultation and to compensate a 25-euro fee for the purchase of protective equipment for its riders. However, this means the company passes on the responsibility to purchase such protective equipment to the worker. Deliveroo promised to pay a lump sum of EUR 230 for 14 days of sick leave for these riders who contracted COVID-19. ⁷² However, only workers who have made EUR 130/weekly during the last 4 weeks are eligible for this compensation. Such platform-led initiatives were motivated by the pressure put by CGT Uber Eats/Deliveroo Lyon trade union on the companies through strikes and campaigns throughout 2019 and 2020.
Case Law	2016	Paris court ordered Uber to pay EUR 1.2 million to a French taxi union. Uber's top management was accused of 'deceptive commercial practices' and complicity in promoting an illegal taxi service. The company had to pay a EUR 1.2m fine on the grounds of unfair trade practices. ⁷³
Case Law	2018 April	The Grand Chamber of the European Court of Justice (ECJ) delivered a judgment confirming that Uber's UberPop ridesharing service is a 'service in the field of transport'. The judgment was supported by a decision made in a court case for Uber Spain. ⁷⁴ The result of this classification of the UberPop service meant that Uber must comply with the relevant rules for taxis and other transport companies. ⁷⁵
Case Law	2018 November	Court of Cassation (highest judicial body in the country) reviewed a decision made in 2017 by a lower court and clarified that subordination is characterized by the performance of work under the authority of an employer who has the power to issue orders and directives, to supervise the execution thereof, and to punish the failings of his subordinate. Thus establishing that under the labour code a rider justifies a contract of employment, as the platform (Take Eat Easy) was equipped with a geo-tracking system allowing the company to monitor rider's position, to record the total number of kilometres travelled, and that the company had a power to sanction him. ⁷⁶

⁷¹ Don;t Gig Up! (2020). Final Report. Available [here](#), 14

⁷² The European Trade Union Confederation. (2020). Red card for platform abuses in the Covid-19 crisis. etuc.org. Available [here](#).

⁷³ Thomson, A. (2016). Uber ordered to pay €1.2m to French taxi union. Financial Times. Available [here](#).

⁷⁴ See section for Spain of this document, p. 33

⁷⁵ T'Syen K. & Woolfson C. (2018). Status of Uber as Transport Services Company: ECJ Confirmation. Lexgo.be. Available [here](#).

⁷⁶ Beltran, I. & Ruiz, H. (2018). Employment status of platform workers (national courts decisions overview – Argentina, Australia, Belgium, Brazil, Canada, Chile, France, Germany, Italy, Nederland, Panama, Spain, Switzerland, United Kingdom, United States & Uruguay): UNA MIRADA CRÍTICA A LAS RELACIONES LABORALES. Ignasibeltran. Available [here](#).

Type of policy development	Year, month	Description
Case law	2020 February	The platform Deliveroo was classified as an employer in a ruling of the Paris Labour Court of February 2020. ⁷⁷ In line with the judgements by the Court of Cassation on Take Eat Easy (see the row above), the Labour Court focused on the exercise of control via GPS tracking and the existence of a sanctioning system. Additionally, it stressed the strong determination of service conditions and pricing by Deliveroo (in similar terms as in the Supreme Court's Uber ruling) and the role of the rating system in terms of measures taken by Deliveroo in case of a low rating by customers. It also confirmed that the flexibility enjoyed by the driver does not exclude the existence of an employment relationship, since the driver becomes an integrated part of the platform's services once logged on. ⁷⁸
Case Law	2020 March	Court of Cassation upheld the ruling of the Appellate Court of Paris which declared there is a relationship of subordination between Uber and the driver and rendered there is an existing employment relationship. ⁷⁹
Case law	2021 January	There is uncertainty as to whether the decision of the Court of Cassation of March 2020 in the Uber case is applicable only in the specific case. In practice, Uber drivers in France remain self-employed persons. Recent judgments are not following the approach of the Court of Cassation and Appeals Court, and notably the most recent decision (of the Lyon Appeals Court, rendered in January 2021) ⁸⁰ finds Uber drivers to be self-employed based on the traditional focus on the lack of an obligation to work and free determination of schedule.
Collective Agreement and other forms of worker organisation	April 2018	An agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services, and the European EFFAT (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information about the company's strategies which might impact the work organisation and employee's interests. The agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers to the stakeholders and will hold the same voting rights. This agreement applies in Austria, Finland, France, Germany, Italy, Netherlands, Norway, and Sweden. ⁸¹

⁷⁷ Conseil de Prud'hommes de Paris [Paris Labour Court], ruling of 4 February 2020, RG n° 19/07738.

⁷⁸ De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. 2021. Platform work and the employment relationship, ILO Working Paper 27 (Geneva, ILO).

⁷⁹ De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. 2021. Platform work and the employment relationship, ILO Working Paper 27 (Geneva, ILO).

⁸⁰ Cour D'appel de Lyon Chambre Sociale b Arrêt du 15 Janvier 2021.

⁸¹ Eurofound (2021). SE (Societas Europaea, European Company) Works Council Delivery Hero. Available [here](#).

Type of policy development	Year, month	Description
<u>GERMANY</u>		
Case Law	2018	A court in Berlin ordered Delivery Hero ⁸² to install employees on its advisory board, as German law mandates that companies employing 2,000 people or more must have as many employees on the board as shareholders.
Case Law	2019 February	The Hesse Labour Appeals Court confirmed a ruling by the Fulda Labour Court which refused to requalify the contractual relation between a bus company and a driver who was hired through a crowdsourcing platform for a tourist trip as an employment contract. ⁸³ However, this judgement does not have direct implications to the employment status of people working through platforms since the decision was based on the circumstances of this particular driver who has a one-time engagement with the company.
Case Law	2019 December	The Higher Labour Court of Munich held that a person working through platform was not an employee but rather self-employed since there was no relationship of subordination and personal dependency between the employee and the employer. The decision left open the possibility of a time-limited employment relationship with the platform end user. ⁸⁴
Case law	2020 December	Despite the case described in the row above, according to the recent judgment of the Federal Labour Court (Bundesarbeitsgericht, BAG), an employment relationship can nevertheless exist. The judgment concerned the employment status of a person that performed so-called 'on-location microjobs' (such as taking photographs in retail shops, act as mystery shopper or similar tasks) through the on-location platform Roamler. ⁸⁵ The claimant in this case worked for approximately 20 hours a week for the platform and gained a salary of around EUR 1,750 per month. As usual for platform work, the written terms stated that the claimant was free to accept or reject any job offer through the platform. According to the Court, personal dependence existed because the claimant had to perform the micro-jobs personally (1), those jobs were simple and predefined in a manner that did not leave any freedom to the claimant with regard to their execution (2) and – most importantly – the work of the claimant was 'other-directed' by the platform operator because of the specific functioning of the platform and the app (3).

⁸² Delivery Hero is the former mother company of the food delivery platform Foodora. In 2018 Foodora as well as other food delivery platforms of Delivery Hero (such as pizza.de and Lieferheld) were bought by the Dutch company takeaway.com and integrated in its subsidiary Lieferando. See Ksienzyk, Lisa (2019). Kein Pink mehr auf den Straßen: Foodora ist jetzt Lieferando. 18.4.2019. Available [here](#).

⁸³ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases.

⁸⁴ Herms, S. (2020). Day Labourers in a Digital World – Munich Higher Labour Court on the Labour Law Classification of So-Called Crowdworkers. RAUE. Available [here](#).

⁸⁵ Judgment of the Federal Labour Court, 1st December 2020, 9 AZR 102/20.

EUROPEAN COMMISSION

Type of policy development	Year, month	Description
Collective Agreement	2017	German Crowdsourcing Association, several platforms and metalworkers' union (IG Metall) established a joint Ombuds Office dedicated to resolving disputes and issues between people working through platforms, customers, and platforms (those who have signed the Crowdsourcing Code of Conduct). ⁸⁶
Collective Agreement	April 2018	An agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services, and the European EFFAT (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information about the company's strategies which might impact the work organisation and employee's interests. The agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers to the stakeholders and will hold the same voting rights. This agreement applies in Austria, Finland, France, Germany, Italy, Netherlands, Norway, and Sweden. ⁸⁷
Collective Agreement	2021	The works councils of Lieferando have concluded several works agreements with the platform operator covering inter alia a lump sum to be paid to the riders for the wear of their (personal) bikes and the conditions for the payment of bonuses. The NGG also aims at concluding a collective agreement with Lieferando in the long term. This would cover different topics such as the use of personal data of the riders or the shift planning. ⁸⁸
Labour inspectorate and other administrators	2020 November	The Federal Ministry of Labour and Social Affairs (Bundesarbeitsministerium, BMAS) published a paper on 'Fair work for own-account platform workers'. The BMAS states that it would make sense to apply protective regulations in labour law also to own-account persons working through platforms (meaning self-employed people working through both online and on-location platforms). This shall include, for example, regulations relating to the continued payment of wages in case of illness, the protection of working mothers, and holiday time. It is, however, not to be expected that corresponding regulations will be passed in this legislature period that already ends in September 2021.
Actions taken by platforms	March 2017	Eight Germany-based platforms signed a Code of Conduct in which they agree to include local wage standards as a factor in setting prices on their platforms. First initiated by the Munich-based software testing platform <i>Testbirds</i> , it was officially supported by the German Crowdsourcing Association. ⁸⁹

⁸⁶ Eurofound. (2020). Platform economy initiatives. Available [here](#).

⁸⁷ Eurofound (2021). SE (Societas Europaea, European Company) Works Council Delivery Hero. Available [here](#).

⁸⁸ Personal communication with a member of the 'Food, Beverages and Catering trade union' (NGG).

⁸⁹ Garben, S. (2017). Protecting Workers in the Online Platform Economy: An overview of regulatory and policy developments in the EU. Publications Office of the European Union. Available [here](#), 69.

Type of policy development	Year, month	Description
Legislation (proposals in the area of labour law)	2020 January and September	In 2020, there have been two legislative proposals on federal level brought in by the parliamentary fraction 'Die Linke'. The first proposal dating of January 2020 concerns people working through on-location platforms ⁹⁰ and the second proposal dating of September 2020 regards people working through online platforms. ⁹¹ According to the first proposal from January 2020, legislation should be enacted that people working through on-location platforms are as a matter of principal employees of the platform operators. Consequently, they would be subject to the full working time legislation applicable to all employees. Both legislative proposals have, however, been rejected by the Committee on Labour and Social Affairs of the German federal parliament (Deutscher Bundestag).
Legislation (proposal)	2021 March	In a legislative proposal from March 2021, ⁹² the parliamentary fraction 'BÜNDNIS 90/Die Grünen' demands to examine whether the personal scope of application of the provisions granting continued payment in case of sickness, paid holiday and maternity protection leave could be extended to persons working through platforms that are 'at the borderline of dependent employment'. The proposal, however, does not specify what 'at the borderline of dependent employment' exactly means. This legislative proposal has not yet been deliberated. The proposal also demands that all self-employed persons working through platforms should have access to the pension insurance scheme and voluntary unemployment insurance and be covered by collective agreements.
GREECE		
Legislation (labour and social law)	2017	The Greek government implemented reforms aimed at improving the regulation of dependent self-employment. Reforms for Laws No. 3144/2003, 3846/2010, and 4387/2016 have clarified employment status and with the 2017 legislation employees and the dependent self-employed will be covered by common rules for contribution requirements (a single rate of 20%) and benefits. ⁹³ If a dependent self-employed worker has no more than two clients per year, social insurance contributions will be paid as if they were an employee. ⁹⁴

⁹⁰ Germany. Gesetzesantrag der Linken (2020). 'Gute Arbeit und soziale Sicherheit für Gig-Worker bei der ortsgebundenen Plattformarbeit'. Bundestags-Drucksache 19/16886, 19.1.2020.

⁹¹ Germany. Gesetzesantrag der Linken (2020). 'Gute Arbeit und soziale Sicherheit für Crowd-Worker bei der ortsungebundenen Plattformarbeit'. Bundestags-Drucksache 19/22122, 8.9.2020.

⁹² Germany. Gesetzesantrag BÜNDNIS 90/Die Grünen (2021). 'Soziale Mindestsicherung für Gig-, Click- und Crowdworker ermöglichen und stärken.' Bundestags-Drucksache 19/27212, 3.3.2021.

⁹³ Heyes, J., & Hastings, T. (2017). The Practices of Enforcement Bodies in Detecting and Preventing Bogus Self-Employment. ec.europa.eu. Available [here](#), 18

⁹⁴ Social insurance contributions would be paid in a matter where one-third is paid by the 'self-employed' person and two-thirds by the employer.

Type of policy development	Year, month	Description
Legislation (transport law)	2018	A legislation was adopted aiming to prevent the presence of ride-sharing apps and obliging to conclude three-year contracts with taxi owners. The legislation introduces heavy fines for licensed taxi drivers, as well as for private vehicle owners, who fail to abide by the rules. ⁹⁵
Legislation (labour law)	2021, June	A new law (Law 4808/2021) was passed in parliament regarding labour relations that will introduce measures for people working through platforms. With this law, two ways of collaboration for those providing their services through platforms will be recognized: dependent employment contracts or independent services/work contracts. Legal criteria are provided for the correct classification of the workers, it specifies when a contract between a service provider and the platform is presumed to not have a dependent relationship. Most importantly, the providers of independent services would acquire similar rights to those of employees; it provides for natural persons associated with these platforms with trade union rights, rights to establish a trade union organisation, negotiate and draft collective agreements and go on strike. In that way, the rights of workers on platforms are to be protected, regardless of the type of contract that they are connected with the platform. ⁹⁶
Collective Action	2020 October	'Assembly of Scooter-Driving Workers' (base-level labour union) organised a strike of food-delivery and other scooter-driving workers, asking the government to enforce legislation which holds the employer responsible for ensuring that vehicles are properly maintained, providing drivers with protective equipment (such as helmets) as laid out in Law 4611/2019, and also called on employers to offer workers dependent-employment status with indefinite-time contracts. ⁹⁷
Collective action	2021	Trade Union of workers in Tourism, Hotel, Catering of Athens requested a three-party meeting (employer, employees, Ministry of Labour and Social Affairs) for clarifying the employment status for persons working through platforms in the delivery sector and specifically regarding the application of Circular 45628/414/2020 provisions (in which food delivery courier were seen as dependent workers rather than 'occasional' workers). ⁹⁸ SVEOD and Trade Union of workers in Tourism, Hotel, Catering of Athens requested the classification of delivery workers in 'arduous and unhealthy' category of occupations that are entitled of an extra pension benefits and earlier retirement in Greece. ⁹⁹

⁹⁵ De Groen, W., Kilhoffer, Z., Lenaerts, K., Smits, I., Hauben, H., Waeyaert, W., Robin-Olivier, S. (2019). Study to gather evidence on the working conditions of platform workers. Available [here](#).¹⁰³

⁹⁶ T. Koukoulaki, E. Georgiadou, K. Kapsali (not published). Data collection template for Greece, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

⁹⁷ M. Matsaganis (2021). Thematic Review 2021 on Platform Work. Greece. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

⁹⁸ T. Koukoulaki, E. Georgiadou, K. Kapsali (not published). Data collection template for Greece, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

⁹⁹ T. Koukoulaki, E. Georgiadou, K. Kapsali (not published). Data collection template for Greece, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

EUROPEAN COMMISSION

Type of policy development	Year, month	Description
<u>HUNGARY</u>		
Legislation (transport law)	2016	The Hungarian Parliament passed the Law no. LXXV, requiring ride-hailing services to obtain dispatcher services permits, which were required for traditional taxi companies. ¹⁰⁰ Following the law, Uber ceased operations in Hungary, though other platforms started operating (i.e. Taxify). ¹⁰¹
Legislation (education)	2017	In response to development of the digital economy and its effect on the labour market skills, the Hungarian Government removed some restrictions towards short courses (under 30 hours) in order to have a more flexible approach towards such learning.
<u>IRELAND</u>		
Legislation (discussions in parliament)	2020 November	Two members in the parliament raised the issue of Personal Protective Equipment (PPE) for those in the gig economy in response to a case in the UK in which it was ruled that 'workers', as defined in that jurisdiction, should have access to PPE and be able to take time off when feeling unwell. ¹⁰²
Case Law	December 2019	The High Court upheld a decision by the Tax Appeals Commissioner (TAC) dating back to August 2018, in which food delivery drivers were reclassified as employees for tax law purposes. This assessment argued that there exists an obligation to perform a delivery and drivers are integrated into the organisation of the business and are the core of platform's activity (they are obliged to wear uniforms and take orders from Dominos rather than customers). ¹⁰³
Collective action	2020-2021	The English Language Students' Union of Ireland has called for platforms to pay riders at least EUR 12.30 per hour and called on the government, the gardai (police), and employers to do everything in their power to end violence against delivery riders (actions to address attacks, bike thefts, and violence). Specifically, more action is sought 'on attacks, bike thefts and genuine violence reduction strategies'. The Union is an active representative of food delivery workers in Ireland since around 70% of them are non-EU/EEA English language students (predominantly from Brazil). ¹⁰⁴
<u>ITALY</u>		

¹⁰⁰ Dunai, Marton (2016). Hungary passes law that could block Uber sites. Reuters. Available [here](#).

¹⁰¹ Meszmann T. T. (2018). Industrial Relations and Social Dialogue in the Age of Collaborative Economy (IRSDACE), National Report Hungary, CELSI Research report 27. Available [here](#).

¹⁰² A. Kerr (not published). Data collection template for Ireland, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹⁰³ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases

¹⁰⁴ A. Kerr (not published). Data collection template for Ireland, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

Type of policy development	Year, month	Description
Legislation (labour and social law)	2017	Italy's 'collaboratori' category was created with the purpose of improving access to social protection for those in between independent contractor and employee status. Unemployment benefit for 'collaboratori' was established in 2017, along with new protections (for both 'collaboratori' and freelance professionals) in case of 'maternity, illness or accident, including the possibility to postpone/suspend or find a suitable replacement for an activity for a client, subject to agreement with them'. ¹⁰⁵
Labour Inspectorate and other administrators	2018 July	The first office in Italy for understanding the issues and providing information for workers of food delivery platforms was inaugurated in Milan. The office also provides free training courses on road safety, safety at work, and basic sanitary rules for food transport.
Legislation (regional, labour and social law)	2019 April	Following two court cases, Region Lazio promoted the first legislative provisions in Italy concerning 'protection and safety of digital workers'. ¹⁰⁶ The Regional Law does not define the specific contractual status applicable to 'riders', but aimed at introducing rules for protection and safety of people working through platforms. ¹⁰⁷ The law established obligations to platforms concerning safe working conditions and maternity and paternity leave. ¹⁰⁸ The legislative provisions also obliged platforms to inform workers on the functioning of the algorithm and rating system. Furthermore, it created a Digital Work Portal for the registration of both platforms and workers, and the establishment of a Regional Digital Labour Council, dedicated to monitor the conditions of platform work in the region and to facilitate social dialogue between the relevant stakeholders. ¹⁰⁹
Legislation (labour and social law)	2019 November	The Italian Parliament converted a decree into a law which introduced a special regime for gig workers with provisions for social protection of self-employed people working on food delivery platforms (Cape V-bis of the Legislative Decree no. 81/2015). The reform aimed to ensure equality of working conditions for self-employed and in permanent employment. With the new law, according to Eurofound: ¹¹⁰ <ul style="list-style-type: none"> The platform must provide to the worker a written employment contract containing all relevant information for working conditions and safety and health.

¹⁰⁵ OECD (2019). Policy Responses to New Forms of Work. OECD Publishing, Paris. Available [here](#), 7.

¹⁰⁶ L&E Global. (2019). Italy: First legislative provisions regarding "riders" of the "gig economy" arrive from Region Lazio. Available [here](#).

¹⁰⁷ L&E Global. (2019). Italy: First legislative provisions regarding "riders" of the "gig economy" arrive from Region Lazio. Available [here](#).

¹⁰⁸ Obligations are specified as follows: 'a specific obligation to train the 'digital worker' in matters of health and safety at work, in particular, on 'risks and damages deriving from the exercise of service activities and on prevention and protection procedures'; the duty to guarantee adequate 'protection devices' in compliance with the regulations on health and safety at work, as well as to provide for the 'maintenance costs' of the equipment and tools used for the service activity by 'digital workers'; the duty to implement an insurance in favor of the 'digital worker' against accidents at work and occupational diseases, for damages caused to third parties during the performance of the service activity, as well as for the protection of maternity and paternity and guarantees for remuneration, mandatory 'preventive and exhaustive information' to be provided to the 'digital worker'. Available [here](#).

¹⁰⁹ De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. (2021). Platform work and the employment relationship, ILO Working Paper 27 (Geneva, ILO).

¹¹⁰ Eurofound. (2020). Platform economy initiatives. Available [here](#).

Type of policy development	Year, month	Description
		<ul style="list-style-type: none"> • Social partners can define wages via collective bargaining, taking into account the platform model of delivery activities and working conditions. • In absence of collective bargaining in place for a platform, the wage cannot solely consist of a remuneration per delivery. It must have a fixed minimum wage, based on minimum wage levels established in comparable sectors by collective bargaining at national level. • The collective bargaining agreement must also contain clauses to remunerate night work, weekend and holiday work, and work during unfavourable weather conditions, which must be at least 10% higher than the standard pay. • Workers are protected by anti-discrimination legislation. • The platform cannot exclude workers or reduce their work opportunities as consequence of non-acceptance of delivery proposals sent by the platform. • Personal data must be protected. • Self-employed workers have guaranteed access to a social protection package, including a daily indemnity for illness, hospital stay, and a guarantee of maternity and parental leave. <p>The Law came into force November 2020.</p>
Case Law	2019 January	A Court in Turin ruled that the compensation paid to people working on home-delivery platforms (employed as a type of 'semi-subordinate' worker called <i>collaboratori coordinate e continuative</i>) should be based on the compensation paid to employees in the same sector.
Case Law	2018 May – 2020 January	The Labour Tribunal of Turin rejected the claim by six Foodora couriers that they should be reclassified as employees due to their freedom to accept or decline work and determine work organisation, as this situates them as autonomous actors vis-à-vis the platform. A few months later, the Turin Court of Appeal, overturned the judgement and recognized that Foodora's riders constituted a new category of employment relationship which requires them to be treated more like employees and less like independent contractors. ¹¹¹ In 2020 The Italian Supreme Court confirmed this decision by arguing that the service provided in this particular case justifies employee-like protections, even though they were self-employed contractors. Furthermore, The Court decided to apply a 2015 legislation that extends employment and labour protection to all workers whose work is organized by someone else and deemed the workers to have 'employer-organised workers' status. ¹¹²
Case Law	2020 November	A tribunal in Palermo made a decision in a case involving Glovo platform, the tribunal ruled that the courier is an employee as the services are organized and managed by the platform in a way in which employees must adhere to its rules in order

¹¹¹ Sideri, M. (2020). Employed Or Self-Employed? The Italian Supreme Court Gives New Clarity On Delivery Riders - Employment and HR - Italy. Mondaq. Available [here](#).

¹¹² Beltran, I. & Ruiz, H. (2018). Employment status of platform workers (national courts decisions overview – Argentina, Australia, Belgium, Brazil, Canada, Chile, France, Germany, Italy, Nederland, Panama, Spain, Switzerland, United Kingdom, United States & Uruguay): UNA MIRADA CRÍTICA A LAS RELACIONES LABORALES. Ignasi Beltran. Available [here](#).

Type of policy development	Year, month	Description
		to perform employment duties. ¹¹³ This decision is coherent with the Supreme Court decision in 2020 (mentioned above), however it pointed out that, in specific cases, an employee classification could be motivated on the basis of the functioning of the single platform and that classification of people working through platforms is still an open question for courts.
Case Law	2021 January	A court in Bologna ruled that an algorithm once used by Deliveroo to assess riders on its platform was discriminatory. The ruling found that the algorithm, which was used to evaluate delivery riders on the platform, was in violation of labour laws because it did not differentiate between the reasons a rider may have for not working. Deliveroo will have to pay EUR 50,000 to compensate each rider.
Case Law	2021 January	The Florence Civil Court rejected a classification of Deliveroo riders as employees, according to their decision a contractual obligation to work subject to directions by an employer is a sine qua non of the definition of subordinate employment. The ruling did not evaluate a classification as 'employer-organised workers' as this was deemed irrelevant for the claimed protection against anti-union behaviour ¹¹⁴ .
Collective Action	2018 May	In Bologna a 'Charter of fundamental digital workers' rights within an urban setting' was signed by the city's mayor, 4 labour unions and by two food delivery platforms (Sgnam and MyMenu). The Charter sets out to ensure a minimal wage for people working through platforms which is at least equal to workers in a similar sector, ensures compensation for holidays, bad weather, overtime, bicycle maintenance, gives insurance for accidents during work time, ensures data protection, and prohibits workers' monitoring. The Charter also guarantees the freedom of association and the right to strike. ¹¹⁵ Also the Charter has provisions on the use of algorithmic management and the right for workers to contest the rating systems used by platforms.
Collective Agreement and other forms of worker organisation	April 2018	An agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services, and the European EFFAT, (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information about the company's strategies which might impact the work organisation and employee's interests. The agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers to the stakeholders and will hold the same voting rights.

¹¹³ Beltran, I. & Ruiz, H. (2018). Employment status of platform workers (national courts decisions overview – Argentina, Australia, Belgium, Brazil, Canada, Chile, France, Germany, Italy, Nederland, Panama, Spain, Switzerland, United Kingdom, United States & Uruguay): UNA MIRADA CRÍTICA A LAS RELACIONES LABORALES. Ignasi Beltran. Available [here](#).

¹¹⁴ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases of alleged misclassification of platform workers: comparative analysis and tentative conclusions. Italy

¹¹⁵ Eurofound. (2020). Platform economy initiatives. Available [here](#).

Type of policy development	Year, month	Description
		This agreement applies in Austria, Finland, France, Germany, Italy, Netherlands, Norway, and Sweden. ¹¹⁶
Collective Action	2020 September	A collective agreement between Assodelivery, the employer organisation representing the majority of the platforms in the delivery sector, and UGL, a small Italian trade union, aimed at providing a regulation of 'employer-organised work', in compliance with the specific regulation of delivery and avoiding the application of statutory provisions set in the 2015-2019 reforms (for those self-employed in the delivery sector). The agreement, which specifies that riders are self-employed workers, has been contested by both the three major Italian trade union confederations (CGIL, CISL and UIL) and the Minister of Labour (Circolare no. 17 of 19 November 2020), who in particular contested that UGL could not be considered comparatively more representative than other unions on national basis (the law requires a qualified majority) ¹¹⁷ . The agreement introduced piece-rate remuneration for workers (which was contested) and had provisions on working time, access to training, tools and equipment, on predictability and transparency and health and safety of workers ¹¹⁸ .
Labour Inspectorate or other administrators	2020 November	The Municipality of Bologna launched a screening campaign known as 'Safety Delivery initiative' for riders who find themselves working harder precisely with the restrictions on travel connected to the Covid-19 emergency, with the aim of protecting their health and safety. The initiative was promoted by the signatories of the Bologna Charter, together with the support from trade unions including CGIL, CISL, UIL, Riders Union and platforms including My Menu and Domino's Pizza. Meanwhile, the Ethical Delivery and Just Eat platforms have helped to communicate and disseminate the initiative to their riders. On 11 December 2020, the 'Safety Delivery' initiative started to conduct a health screening of all the food delivery workers operating in Bologna. The test was offered on a free and voluntary basis, carried out by the Local Health Authority of Bologna ('Azienda sanitaria locale'). ¹¹⁹
Labour Inspectorate or other administrators	2021 March	Assodelivery and the three main Italian confederations CGIL, CISL, UIL and UGL have stipulated at a national level a new experimental protocol promoted by the Ministry of Labour. This agreement is aimed at detecting and sanctioning illegal labour intermediation and labour exploitation in the food delivery sector (Article 603-bis of the Criminal Code). In an earlier protocol the platforms took the duty to implement an organisational and management model pursuant to Legislative Decree no. 231/2001 and to avoid the use of external companies to supply the requests of delivery to persons that are not directly engaged by the platform. Moreover, the protocol establishes an Observatory ('Organismo di garanzia') to monitor the conditions of the sector. ¹²⁰

¹¹⁶ Eurofound (2021). SE (Societas Europaea, European Company) Works Council Delivery Hero. Available [here](#).

¹¹⁷ W. Chiaromonte (not published). Data collection template for Italy, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹¹⁸ W. Chiaromonte (not published). Data collection template for Italy, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹¹⁹ W. Chiaromonte (not published). Data collection template for Italy, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹²⁰ W. Chiaromonte (not published). Data collection template for Italy, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

Type of policy development	Year, month	Description
Labour Inspectorate or other administrators	2020 October	The Italian Data Protection Authority has identified platform work – in particular, food-delivery sector – as a field of specific investigation. With a deliberation issued on 1 October 2020, containing the programmatic guidelines for its inspection activity, the Authority specified that data processing in the food-delivery sector would be a priority area of inspectors' activity. ¹²¹
Labour Inspectorate or other administrators	2020 October	The National Labour Inspectorate issued specific guidelines (Circolare 30 October 2020, no. 7) on the proper and correct application and enforcement of Article 2.1 of the Legislative Decree no. 81/2015 (on 'employer-organised workers'), as well as of the Cape V-bis of the same Legislative Decree (introducing a specific set of provisions for self-employed people working through platforms in the food-delivery sector). Following this in 2021 March, the Inspectorate updated the annual programme document that identifies platform work as a priority area of intervention. ¹²²
Labour Inspectorate or other administrators	2021 February	During an inspection campaign in the field of platform work the National Labour Inspectorate found that 60,000 riders working for food-delivery platforms (Just Eat, Glovo, Uber Eats Italy and Deliveroo) should be considered as 'employer-organized workers', and consequently deserved the application of labour law as if they were employees (except for the provisions deemed not compatible with the nature of the relationship). ¹²³ This has led to the request for the platforms to regularise the relationships with these riders, both in terms of contract and of social security and it raised compensation issues for contributions and wages not paid. The platforms have been accused of contributions and wages not paid as the OSH Act was deemed to extend to riders. As such, the case was passed to the prosecutor who fined the platforms for EUR 733 million ¹²⁴ .
Labour Inspectorate or other administrators	2021 July	Italian Data Protection Authority (DPA) fined Foodinho (food delivery platform of which Glovo is the parent entity) with a EUR 2.6 million fine for violating the EU privacy legislation and for discriminatory algorithmic management practices. The DPA found that the platform did not adequately inform workers on the use of algorithms and did not ensure that the reputational and rating systems were accurate and non-discriminatory. The platform also failed to guarantee the right to obtain human intervention and contest decisions made by algorithms. The DPA gave 2 months for the platform to amend their algorithmic management system and ensure it complies with the relevant regulations. Foodinho was also obliged to provide information on data feeding the algorithmic management system and prove its accuracy and relevance. ¹²⁵

¹²¹ E. Dagnino (2021). Thematic Review 2021 on Platform Work. Italy. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹²² E. Dagnino (2021). Thematic Review 2021 on Platform Work. Italy. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹²³ Ispettorato Nazionale Lavoro (2021). Notizie. Comunicato Stampa. Assicurate tutele del lavoro subordinato per 60.000 Riders. Available [here](#).

¹²⁴ E. Dagnino (2021). Thematic Review 2021 on Platform Work. Italy. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹²⁵ N. Lomas (2021). Italy's DPA fines Glovo-owned Foodinho \$3M, orders changes to algorithmic management of riders. TechCrunch. Available [here](#).

Type of policy development	Year, month	Description
Actions by platforms	2018 June	Foodora, Foodracers, Moovenda and Prestofood signed the 'Charter of values of food delivery'. It was proposed by Deputy Prime Minister and Minister of Labour, Luigi Di Maio, and is intended to ensure good working conditions for people working through platforms in the food delivery sector in terms of contracts, protections and hourly compensation. ¹²⁶
Actions by platforms	2021 February	Uber Eats introduced a protocol to protect the health and safety of its food delivery riders in Italy, with the provision of free helmets and other safety devices, the supply of anti-Covid-19 protective equipment and free training courses. In detail, the protocol provides: free availability of personal protective equipment (including bicycle safety helmet, high visibility garment, rain jacket and trousers, waterproof holder for smartphone to be applied to the bicycle, lights to be applied to the bicycle and reflective armband) for riders, both already active on the platform and newly activated; supply of the anti-Covid-19 protective equipment directly or through reimbursement; organisation of an awareness campaign for riders on health, safety and food hygiene; provision of mandatory free training courses dedicated to health and safety at work and road safety; verification of the suitability of vehicles used by riders; verification of the effective and correct use of personal protective equipment. ¹²⁷
<u>LATVIA</u>		
Legislation (transport law)	2018	The Latvian government approved regulations for providing passenger transport services, including via platforms. The rules require providers of these services to register for a special permit.
<u>LITHUANIA</u>		
Legislation (transport law)	2017-2018	Created a new framework for ridesharing type services. This was accomplished through amendments to the Road Transport Code. ¹²⁸ The reform came into force in March 2018, regulating platforms such as Uber and Taxify and set an example of ridesharing law in Europe.
Collective action	2020 July	On 15 July 2020 Bolt Food curriers organised an action against the platform's decision to decrease the remuneration from EUR 3 to EUR 2.8 per single delivery. ¹²⁹

¹²⁶ W. Chiaromonte (not published). Data collection template for Italy, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹²⁷ W. Chiaromonte (not published). Data collection template for Italy, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹²⁸ De Groen, W., Kilhoffer, Z., Lenaerts, K., Smits, I., Hauben, H., Waeyaert, W., Robin-Olivier, S. (2019). Study to gather evidence on the working conditions of platform workers. Available [here, p. 103](#).

¹²⁹ The couriers called this action a 'strike'. In legal terms, only employees under an employment contract have the right to strike.

Type of policy development	Year, month	Description
Collective action	2020 November	In November 2020 the Courier Association was established, demanding that a minimum remuneration for a single delivery should be set at EUR 3.5. The association also asks the platforms to give couriers a choice to be remunerated either based on each delivery or on an hourly basis. ¹³⁰
Collective agreement	2020 November	The Courier Association has also demanded more clarity and transparency from the platforms. ¹³¹ On 26 November 2020 a meeting between the Courier Association and the Bolt platform took place. The platform made a promise to share information about how an optimal number of couriers is calculated and how information on the average hourly earnings by couriers. ¹³² The platform later provided some information: for example, in early 2021 in Lithuania they had around 5,000 applications of people who wanted to become delivery couriers and were waiting for the platforms' approval. ¹³³
Legislation (policy discussions)	2020 October	In October 2020 a Member of the Parliament suggested an amendment to the Article 6.716 ¹ of the Civil Code, to introduce a requirement that any service agreement between a platform and a person working through this platform is concluded in a written form and states explicitly the price of the service, remuneration procedure, the procedure for delivering the service and duration of the service. ¹³⁴ The Legal Department of the Lithuanian Parliament (Seimas), which scrutinises legislative proposals before they are brought for further deliberation concluded that the legal relationship defined in the suggested amendment is already stipulated in the P2B regulation, which is directly applicable in all Member States. ¹³⁵ The Ministry of Justice (MoJ), in its response, underlined that the suggested amendment is feasible to the extent it goes beyond what is required in the P2B regulation. ¹³⁶ According to the MoJ, the Civil Code might be changed to stipulate that the agreement between a platform and a person working through this platform may be concluded electronically (this is not stipulated explicitly in the P2B regulation).
Collective action	2020 December	On 8 December 2020 the Lithuanian Trade Union Consideration wrote a letter to the newly appointed Prime Minister Ingrida Šimonytė. Among other things the trade union pointed out that Lithuania needs: 1) an adequate regulatory framework to protect people working through platforms; 2) to recognize people, working on basis of non-standard work contracts, as

¹³⁰ Kurjerių asociacija (2021). Kurjerių asociacija nesutinka su „wolt“ dėl naujos apmokėjimo sistemos – kviečia jungtis į grupę. Available [here](#).

¹³¹ Verslo žinios (2020). 200 kurjerių reikalauja „Bolt food“ didesnio užmokesčio. Courier Association. Available [here](#).

¹³² Kurjerių asociacija (2020). Įvyko pirmasis susitikimas su Bolt atstovais. 2021-01-13. Available [here](#).

¹³³ Savickas, E. (2021). Kurjerių kasdienybė: vieni dirba po 60 val. per savaitę, kiti neuždirba net minimalios algos. Available [here](#).

¹³⁴ Tomilinas, T. (2020). Aiškinamasis raštas dėl Civilinio kodekso papildymo 6.716(1) straipsniu įstatymo projekto. Available [here](#).

¹³⁵ LR Seimo kanceliarijos Teisės departamentas (2020). Dėl Lietuvos Respublikos Civilinio kodekso papildymo 6.7161 straipsniu įstatymo projekto. 2020-10-12 Nr. XIIP-5260. Available [here](#).

¹³⁶ LR Teisingumo ministerija (2020). Dėl Lietuvos Respublikos Civilinio kodekso papildymo 6.7161 straipsniu įstatymo projekto Nr. XIIP-5260 atitikties Europos Sąjungos teisei. 2020-10-Nr. (8.7.1E) 4T-. Available [here](#).

Type of policy development	Year, month	Description
		workers'. ¹³⁷ This shows that trade unions are positioning themselves as active actors aiming to protect the rights of non-standard workers and people working through platforms.
Collective agreement	2020-2021	The Couriers Association has also drawn attention to the dangers faced by couriers working under the conditions of Covid-19 pandemic and requested that couriers are given an 'essential worker' status by the government, which would put them among the priority groups for vaccination. This demand was not fulfilled. ¹³⁸ However, on 18 December 2020 the Couriers Association met with the representatives of the Wolt platform. During the meeting the platform indicated that they are looking for ways to offer accident insurance to people working through platforms. ¹³⁹ Such accident insurance came into force from 1 May, 2021. ¹⁴⁰
Collective action	2021 August	Wolt couriers organised a strike protesting against the changes the platform introduced. Wolt couriers demanded to keep a fixed rate of EUR 3 per delivery and a more accurate system for calculating the distance which determines additional pay per delivery (usually the delivery path takes more time than the app calculates). Furthermore, couriers demanded that bonuses paid for working on the weekend would not be removed. The self-organised group of Wolt couriers plans to continue striking regularly until Wolt reacts to their demands. ¹⁴¹
Actions taken by platforms	2020-2021	The food delivery platform Wolt indicates that through their partners' programme they offer two weeks financial support to couriers who were diagnosed with Covid-19 or in cases when, after a contact with a person infected with Covid-19 a courier has to go into mandatory isolation for two weeks and thus cannot earn income. ¹⁴²
Legislation discussions) (policy)	2021 January	During the Tripartite Council meeting on 13 January 2021 the Ministry of Social Security and Labour indicated that it is looking at how to make sure that self-employed people using the individual activity certificates (thus, including most of the people working through platforms) are covered by accident insurance. However, the specific steps that the ministry intends to take were not clear at the time of writing (May 2021). During this meeting, the question of the illusory freedom of choosing when and how to work was also raised by the Couriers Association. According to its representative, couriers cannot decline orders, because they face sanctions such as suspension of their account if they decline orders.

¹³⁷ Lietuvos profesinių sąjungų konfederacija (2020). What do Lithuanian workers expect from the new government? Available [here](#).

¹³⁸ Kurjerių asociacija (2020). Kurjeriai reikalauja saugesnio darbo ir skaidrumo. 2021-01-13. Available [here](#).

¹³⁹ Kurjerių asociacija (2020). Susitikome su „Wolt“ atstovais. 2020-12-18. Available [here](#).

¹⁴⁰ Kurjerių asociacija (2021). „Wolt“ kurjeriai bus apdrausti nuo nelaimingų atsitikimų. Available [here](#).

¹⁴¹ Savickas, E. (2021). „Wolt“ kurjeriai surengė streiką: nori derybų, o ne diskusijos. Delfi.lt. Available [here](#).

¹⁴² LRT.lt (2020). Kurjerių asociacijos nariai nori būti pripažinti „būtiniaisiais darbuotojais“, įtraukti į ankstyvų skiepų programą ir apdrausti. 17-12-2020. Available [here](#).

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Type of policy development	Year, month	Description
<u>LUXEMBOURG</u>		
Policy documents	2016	Luxembourg's Third Industrial Revolution Strategy deals broadly with changes in the 'world of work' in the digital age, which includes the possibility of new platform work regulation. Including strategies to clarify employment status for people working through platforms, ensure social protection, and expand educational re-skilling and up-skilling for workers in a digitalized and automated work environment. ¹⁴³
Legislation (proposal)	2020 December	The Chambers of Workers (CSL - Chambre of Salariés Luxembourg) launched a comprehensive legislative proposal to treat people working through platforms as posted workers, meaning they would have same rights as employees. ¹⁴⁴ This proposal has been discussed in the Parliament, but the Parliament has not voted on it yet. ¹⁴⁵
Legislation (transport law)	2021-2022	A new legal reform of the taxi sector (loi n° 7762) has been passed and will come into force the 1st of January 2022. This reform will include rental cars with driver services in the 'taxi' legislation. This reform could translate into better conditions for Uber workers and alike drivers, given that the Minister of Mobility and Transports talked about putting both taxi and Uber drivers 'on the same footing' in terms of rights and working conditions. ¹⁴⁶
Case law	2021 March	A court case is pending against the food delivery platform WeDely. The company is being accused of trying to circumvent labour and employment laws in Luxembourg, regarding the overall working conditions, the regulation of leave, and social security contributions. The company is being sued for using illicit work contracts (the platform treats people working through it as self-employed, but these people do not have the permits to be self-employed). ¹⁴⁷ The decision is still pending.
<u>MALTA</u>		
Policy documents	2021 January	Discussions in the Cabinet have led to the Prime Minister announce that action on recruitment agencies (in the case of persons engaged by intermediate agencies) and platforms (in the case of persons engaged directly with the platforms) was

¹⁴³ Rifkin J. et al (2016). The 3rd Industrial Revolution Strategy Study for the Grand Duchy of Luxembourg. IMS, Luxembourg. Available [here](#). 130

¹⁴⁴ Luxembourg. Chambers of Workers (Chambre of Salariés Luxembourg) (2020). Proposition de loi relative au travail fourni par l'intermédiaire d'une plateforme. Available [here](#).

¹⁴⁵ Ratti, L. (2020b). *Les deux faces du travail sur plateforme numériques : crowdwork et work on-demand*. In: *Revue Pratique de Droit Social*, 6/2020, 12 et seq. in European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. European Commission.

¹⁴⁶ B. Abellan, K. Feyerabend, B. Janta (not published). Data collection template for Luxembourg, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹⁴⁷ Laboulle, L. (2020). Scheinselbstständigkeit bereitet nationalen und europäischen Behörden Sorgen. Tageblatt.lu. Available [here](#).

Type of policy development	Year, month	Description
		going to be taken to curb illegal practices related to food delivery couriers. There are no further developments but according to the media the issue is given urgent attention. ¹⁴⁸
<u>NETHERLANDS</u>		
Legislation (labour and social law)	2020 January	The Committee on the Regulation of Work (<i>Borstlap Committee</i>) in the Netherlands has advised the government that 'everything must focus on reducing the difference between employees, self-employed, and flex workers' ¹⁴⁹ this indicated some development in legal provisions concerning platform work. For now no clear steps have been taken as the government applies existing regulations to online platform work, which entails a case-by-case determination.
Legislation (proposal)	2020 March	The bipartite Labour Foundation (consisting of the traditional social partners, with the temporary addition of Platform Zelfstandige Ondernemers and FNV Zelfstandigen for this purpose) agreed on a proposal to the Government for the introduction of a compulsory occupational disability insurance for independent professionals/freelancers (i.e. self-employed persons with no employees). In view of the diversity of the self-employed population, the proposal offers various options, allowing every self-employed person to decide which insurance cover is appropriate. ¹⁵⁰
Policy documents	2020 November	Responding to the demands made by The Committee on the Regulation of Work (Borstlap Committee) to reduce the differences between the employed and self-employed, the Minister announced that alternatives would be explored to improve the position of people working through platformss. One of those alternatives is the introduction of a legal rebuttable presumption which would counter bogus self-employment in the platform sector. However, genuine self-employment must also remain possible within the platform economy. In the coming period, the government will start to develop whether and how such legal measures can be adopted, so that it can offer support to people working through platforms. ¹⁵¹
Collective agreement	2018	The platform Temper (matches supply and demand in the hospitality sector) and a Dutch trade union (FNV) signed a cooperation pact which provides self-employed Temper workers with training, pensions, and insurance for one year. Later in the year the pact was extended including the removal of a fee workers paid for the platform and more training opportunities. ¹⁵²

¹⁴⁸ M. Vassallo (2021). Thematic Review 2021 on Platform Work. Malta. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹⁴⁹ Commissie Regulering van Werk (2020). [In wat voor land willen wij werken? Naar een nieuw ontwerp voor de regulering van werk](#). Available [here](#), 23.

¹⁵⁰ N. Ramos & N. Jansen (2021). Thematic Review 2021 on Platform Work. Netherlands. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹⁵¹ N. Ramos & N. Jansen (2021). Thematic Review 2021 on Platform Work. Netherlands. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹⁵² Eurofound. (2020). Platform economy initiatives. Available [here](#).

Type of policy development	Year, month	Description
Collective Agreement and other forms of worker organisation	April 2018	<p>An agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services, and the European EFFAT, (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information about the company's strategies which might impact the work organisation and employee's interests. The agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers to the stakeholders and will hold the same voting rights.</p> <p>This agreement applies in Austria, Finland, France, Germany, Italy, Netherlands, Norway, and Sweden.¹⁵³</p>
Actions taken by platforms		<p>The platform Happy Helper which matches demand and supply for cleaning services started providing its workers with trainings to improve skills in services provided, interpersonal communication and digital skills necessary for using their platform.¹⁵⁴</p>
Case Law	2018 July	<p>Amsterdam Civil Court decided that Deliveroo rider was self-employed because of contractual designation and registration as self-employed with the Chamber of Commerce; no obligation to work and free choice of working hours; no exclusivity clause.¹⁵⁵</p>
Case Law	2019	<p>In several cases initiated by the trade Union FNV against the platform Deliveroo, the Labour Courts found that there was an employment relationship between the riders and the platform (reversing a 2018 decision)¹⁵⁶, that the collective agreements in the sector concerned with road transport of goods are to be applied by Deliveroo¹⁵⁷ and that employers' contributions regarding the pension fund for the sector had to be paid¹⁵⁸. Deliveroo appealed these rulings and the Appeals Court is currently deciding in the case won on first instance by FNV in January 2019 regarding the applicability of the collective agreement on road transport.</p>

¹⁵³ Eurofound (2021). SE (Societas Europaea, European Company) Works Council Delivery Hero. Available [here](#).

¹⁵⁴ Eurofound. (2020). Platform economy initiatives. Available [here](#).

¹⁵⁵ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases of alleged misclassification of platform workers: comparative analysis and tentative conclusions.

¹⁵⁶ Judgment 15.1.2019, Rechtbank Amsterdam, available [here](#).

¹⁵⁷ Judgment 15.1.2019, Rechtbank Amsterdam, available [here](#).

¹⁵⁸ Judgment 26.8.2019, Rechtbank Amsterdam, available [here](#).

Type of policy development	Year, month	Description
Case Law	2019 July	The Amsterdam Civil Court rejected a claim to reclassify Helpling's (platform) cleaners as employees. The decision was based on the fact that cleaners using the platform to find work had the lack of any obligation to work and that the nature of work and the remuneration was determined by the customer rather than the platform. According to a case law report: 'The ruling acknowledges the central role of the platform in terms of managing the contact between cleaner and customer, processing payments and scheduling, but considers this insufficient to indicate employer status'. ¹⁵⁹ The decision has been appealed.
Case Law	2020 July	The ADCU, a trade union for people working through platforms in the gig economy (backing three UK drivers) and the IAATW (supporting a fourth driver in Lisbon) launched a legal action in the district court in Amsterdam over Uber's failure to respect the digital rights of drivers and couriers under the GDPR. ¹⁶⁰ Uber has illegally: blocked workers from accessing all of their personal data at work and failed to provide workers transparency to algorithmic management and control of drivers when requested to do so. This arose after Uber drivers were dismissed allegedly for fraudulent activity on Uber. The drivers denied the claims, however were not provided access to the evidence against them, nor allowed to challenge or appeal the decision to terminate. The unions claim they have evidence that Uber maintains secret driver and courier profiles which it uses to rate worker their performance with categories such as 'late arrival/missed ETA', 'negative attitude' or 'inappropriate behaviour'. ¹⁶¹
Case Law	2021 February	The Amsterdam Appeals Court upheld the Amsterdam Civil Court's decision made in January 2019 that Deliveroo riders need to be qualified as employees.
Case Law	2021 September	Amsterdam District Court ruled that Uber drivers are employees in a case brought by FNV trade union. The judge also ruled that the sectoral collective labour agreement (CAO Taxivervoer) would apply to Uber drivers, which includes pay requirements and some benefits for drivers. Meaning, Uber would need to reclassify its drivers and pay back wages in some cases when complying with the sectoral labour agreement. ¹⁶²
Labour Inspectorate or other administrators	2019, January	The Dutch Consumers and Markets Authority (ACM) declared the possibility to accept that a collective agreement could include minimum rates for the services of self-employed in certain sectors. The ACM announced that people working

¹⁵⁹ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases of alleged misclassification of platform workers: comparative analysis and tentative conclusions.

¹⁶⁰ ADCU.org (2020). Uber Drivers Take Unprecedented International Legal Action to Demand Their Data. Available [here](#).

¹⁶¹ App Drivers and Couriers Union (2020). Help protect Uber drivers from unfair & hidden algorithmic management. CrowdJustice. Available [here](#).

¹⁶² J. Toh (2021). Another win for workers: Uber drivers are employees. Social Europe. Available [here](#).

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		through platforms who are self-employed but the nature of work is comparable to employees can organise themselves and establish minimum rates. ¹⁶³
Labour Inspectorate or other administrators	2021 February	The SZW Inspectorate concluded in a report that the company Temper is an employment agency and not a mediation platform and that the people who work for Temper are not self-employed but employees. This means that they are entitled to an employment contract and that they must be paid in accordance with the temporary employment agencies collective agreement. The main trade union federation in the Netherlands, FNV, expects that the Inspectorate will also issue fines to Temper and the user companies of its services based on that report.
Labour Inspectorate or other administrators	2020 November	The SER (Social Economic Council in the Netherlands) has issued an advice titled: 'Platform economy: more opportunities, but also more risks'. ¹⁶⁴ In that advice/report the SER highlights that platforms that bring together supply and demand of work facilitate job creation. Entrepreneurs can increase their turnover by setting new companies using new technologies and developing new business models and consumers get more choice. However, there are also risks associated to these new forms of employment such as lower income/wages, lack of entitlement to social protection, training, participation/representation and health and safety at work. The SER criticized that the employment status of people working through platforms is unclear and that legislative action on that regard is needed. So, the SER recommends that decisions should be taken quickly on this subject by policy makers, and that supervision by the Tax and Customs Administration and the SZW Inspectorate should increase.
<u>POLAND</u>		
Legislation (labour and social law)	2016	In a report by the Commission for the Codification of Labour Law established the need to elaborate the new individual and collective Labour code in order to adapt the labour law system to the current labour and economic conditions in the country – there is a reference to the legal status of platform work. However, there has been no legislative action regarding platform work since.
Legislation (transport law)	In force since 1 January 2021	The amendment to the Road Transport Act (the so-called 'Lex Uber') defined intermediation in passenger transport and obliged people working through transportation platforms (e.g. Bolt, Uber) to meet the same requirements which apply to drivers of 'regular taxis', e.g. they need to obtain licence. ¹⁶⁵

¹⁶³ N. Ramos & N. Jansen (2021). Thematic Review 2021 on Platform Work. Netherlands. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹⁶⁴ SER (2020). Hoe werkt de platformeconomie? Available [here](#).

¹⁶⁵ Act of 6 September 2001 on road transport, Dz. U. 2001 Nr 125 poz. 1371, available [here](#).

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Type of policy development	Year, month	Description
Labour Inspectorate	2019	The National Labour Inspectorate has conducted 2 inspections in Uber Poland LLC and 27 inspections in entities cooperating with the Uber group and with other transportation/food delivery platforms. ¹⁶⁶
Labour Inspectorate or other administrators	March 2021	The Commissioner for Human Rights Adam Bodnar has officially called the deputy Prime Minister and the Minister of Economic Development, Labour and Technology Jaroslaw Gowin to 'undertake adequate exploratory and regulatory steps, with the participation of representatives of government, employers and workers, drawing on the expertise of specialists in this field.' ¹⁶⁷ Nevertheless, the Minister's response reiterated already existing legal provisions. ¹⁶⁸
<u>PORTUGAL</u>		
Legislation (labour and social law)	2017	Changes to Law n° 63/2013 and Law n° 55/2017 provide workers with a speedier court decision recognising the existence of an employment relationship. In addition, employers may receive a pre-notification from the labour inspection authority to regularise a bogus self-employment relationship where one has been detected.
Legislation (transport law)	2018 November	The government passed a law which only applies to the transport sector, obliging platforms to use 'operators' as intermediaries between the platform and the drivers. According to this law, individual drivers must be contracted by these intermediate operators instead of having a contract directly with the platforms. Thus introducing a presumption of employment to the contract between the driver and the platform. The law introduces additional material provisions on working conditions (e.g., limited working hours). Platforms must also inform drivers and create a mechanism for complaints and the law asks the platforms to track the driver's working time, including rest time. ¹⁶⁹ Furthermore, Uber drivers, as employees, are covered by general labour and social protection legislation. This specific legal framework has only been provided for ride-hailing platforms and has been in force since November 2018.
Policy documents	2020 November	The first version of the 'Green book on the Future of Work' was presented to the national social partners which sets out to regulate the legal framework for platform work which is expected to change in the coming 2-3 years. The document aims to improve data on people working through platforms and clarify the employment status of such workers. It has proposed to adopt the presumption of an employment contract in platform work. Furthermore, it aims to improve social protection for

¹⁶⁶ Potocka-Sionek, N. (not published). Data collection template for Poland, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹⁶⁷ The Commissioner's letter available [here](#).

¹⁶⁸ Potocka-Sionek, N. (not published). Data collection template for Poland, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹⁶⁹ De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. (2021). Platform work and the employment relationship, ILO Working Paper 27 (Geneva, ILO).

Type of policy development	Year, month	Description
		the self-employed and give people working through platforms access to collective bargaining rights. In addition, the documents also aims to create a specific regulation on algorithmic management or the application of AI in the workplace. ¹⁷⁰
Collective Action	2018-2019	In 2018, the Union for the Industry of Hospitality from the North (STIHN) asked the Labour Inspectorate to take action and address the low pay among couriers working on food delivery platforms (demanding a minimum wage of EUR 700 and EUR 9 per day of a food allowance for food delivery workers). The union also demanded that the couriers would be classified as employees and denounced outsourcing problems. In 2019 the Union also advocated for better health and safety conditions for people working through food delivery platforms. ¹⁷¹
Collective Action	2020 September	The Union for Workers of Road and Urban Transportation (STRUP) had a meeting with the Portuguese Directorate General for Employment and Labour Relations (DGERT), where it held that platform drivers should be entitled to collective bargaining. In the same period, STRUP formed a working group responsible for negotiating better working conditions for which included the clarification of their employment status and the application of collective bargaining. ¹⁷²
<u>ROMANIA</u>		
Legislation (transport law)	2019 July	A Government Emergency Ordinance 49/2019 was passed, to regulate the ride-hailing sector and aimed at levelling the playing field between ride-hailing platforms and traditional transport activities and ensuring that providers offer a professional service in safe conditions. The ride-hailing platforms are obligated to keep records of each ride for 5 years. The digital platform operator is obligated to have and make available to the competent authorities all the required information they have on activities by alternative transport operators via the digital platform. The obligations are necessary to ensure that a company is abiding work and rest time regulations. This oversight has obvious and direct implications on workers' rights (rest and time), road safety and helps to identify undeclared/under declared work situations. As all alternative transport operators and their employed drivers must be registered with ARR, their information can be checked against the Labour Inspectorate database regarding labour contracts. ¹⁷³ The ordinance entered into force on July 4, 2019.
Policy documents	2020 November	National Employment Strategy 2021-2027 provided action points on 'completing/amending the legal framework on platform work in order to ensure adequate social protection for workers, including those engaged in a self-employment activity', in order to 'modernise and strengthen labour market institutions in order to create an environment conducive to the support

¹⁷⁰ D. Abrunhosa e Sousa (2021). Thematic Review 2021 on Platform Work. Italy. European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies.

¹⁷¹ C. de Oliveira Carvalho (not published). Data collection template for Portugal, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹⁷² C. de Oliveira Carvalho (not published). Data collection template for Portugal, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹⁷³ L. Dima (not published). Data collection template for Romania, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

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Type of policy development	Year, month	Description
		of a flexible, functional and resilient labour market'. The public debates on the Strategy were ended in November 2020, but no Government Decision was adopted to approve the final version. ¹⁷⁴
Actions by platforms	2018 June	Uber launched the 'Partner Protection' program. According to Uber's website, with an insurance from AXA, eligible partner drivers and couriers benefit from financial protection in case of major events, such as personal injury or illness. This insurance includes coverage for medical expenses, death, permanent disability, hospitalization and personal injury. All eligible independent partners automatically receive insurance, which is free. Each partner can make a maximum of two claims in case of illness and serious injury during a period of 12 months, and in the first seven days after making a claim the person does not receive insurance. ¹⁷⁵
Actions by platforms	2020	Uber decided that drivers or couriers diagnosed with COVID-19 or required by a public health authority to isolate himself/herself will receive financial assistance for up to 14 days, as long as his/her account is suspended. ¹⁷⁶
Collective Action	2019 May	A protest of Uber drivers was organised in Bucharest, with the help of Facebook group members against the 'Uber Law' (which would establish that drivers could not become Uber drivers unless they hold a taxi licence). ¹⁷⁷
<u>SLOVAKIA</u>		
Legislation (taxation law)	2018 November	Adopted a new tax legislation obliging platforms to provide data on earned income through personal transport services and accommodation services. ¹⁷⁸ The regulation has entered into force.
Legislation (transport law)	2019 April	Adopted a legislation which introduced a wider definition for 'dispatching services' (platforms are not considered taxi companies but dispatchers). The new legislation abolished several requirements that were previously applied to the taxi business, such as the requirements to prove financial reliability, to have a proficiency test or to have a taximeter at all times. ¹⁷⁹ This new definition removed most of the requirements for platform drivers that previously were applied and forced Uber to stop its operations in the country. In force since April 2019.

¹⁷⁴ L. Dima (not published). Data collection template for Romania, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers

¹⁷⁵ L. Dima (not published). Data collection template for Romania, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers

¹⁷⁶ L. Dima (not published). Data collection template for Romania, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers

¹⁷⁷ L. Dima (not published). Data collection template for Romania, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers

¹⁷⁸ De Groen, W., Kilhoffer, Z., Lenaerts, K., Smits, I., Hauben, H., Waeyaert, W., Robin-Olivier, S. (2019). Study to gather evidence on the working conditions of platform workers. Available [here, p. 110.](#)

¹⁷⁹ De Groen, W., Kilhoffer, Z., Lenaerts, K., Smits, I., Hauben, H., Waeyaert, W., Robin-Olivier, S. (2019). Study to gather evidence on the working conditions of platform workers. Available [here, p. 103.](#)

Type of policy development	Year, month	Description
<u>SLOVENIA</u>		
Legislation (transport law)	2020 December	Slovenian government adopted a proposal to amend the Road Transport Act ¹⁸⁰ in December 2020. This Act establishes a new type of work, occasional 'chauffeur service' (for which a state license is now obligatory), the abolition of taximeters for taxi drivers, and that the regulation of taxi services will be the responsibility of local communities. The government has justified this policy measure as an opportunity for the entry of new transport services and work through advanced platforms and more choice and lower prices for users. ¹⁸¹
Labour Inspectorate	2014-2017	The labour inspectorate, motivated by campaigns by ZSSS trade union, sanctioned GoOpti (transportation platform) for the misclassification of the employment status (classified as self-employed rather than employees). Since 2015, following the sanctions, the platform subcontracts tasks to transport companies and still does not employ the drivers. The labour inspectorate's check in 2017 confirmed that some transport companies hire self-employed workers contrary to law.
Collective action	2019	Cooperating with other Slovenian trade unions Mladi Plus (union representing students, pupils, unemployed youth and young precarious workers since 2011) prevented Uber from entering into the country through legal action. Platforms such as Wolt are employing people with special student work agreements or as self-employed workers, because of that Mladi Plus took initiatives against these platforms and fights for the recognition of couriers as employees. ¹⁸²
<u>SPAIN</u>		
Policy documents	2018 July	The Spanish government put in place a 'Strategic Plan for Decent Work 2018-2020' ¹⁸³ to tackle bogus self-employment and abuses in temporary and part-time work among other issues. Two immediate action plans were launched to fight against fraud in temporary and part-time contracts.
Legislation (labour and social law)	2018 December	A reform was passed which extended social protection and social security contributions to almost all self-employed, aligning their social security scheme more closely to that of employees. It increased the social contributions for the self-employed which allows better access and conditions for unemployment, also 'coverage for occupational risks (benefits relating to accidents at work or occupational diseases), enhanced benefits for temporary disability due to sickness, improved work-life balance and maternity protection'. ¹⁸⁴

¹⁸⁰ Road Transport Act. Available [here](#) (Accessed 14 December 2020).

¹⁸¹ Gole, Nejc, (2020). Na mizi je zakon, ki bi v Slovenijo pripeljal Uber'. Delo, 9.

¹⁸² Eurofound. (2020). Platform economy initiatives. Available [here](#).

¹⁸³ See more [here](#).

¹⁸⁴ OECD (2019). Policy Responses to New Forms of Work. Available [here](#), p. 56.

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Type of policy development	Year, month	Description
Legislation (labour and social law)	2019 December	The Parliament of the Basque Country Region passed a non-binding resolution against the precarious work derived from the platform economy which promotes the regular work and the fight against bogus self-employment. ¹⁸⁵
Legislation (labour and social law)	2021 March	The Spanish government approved a law ('Rider's law') which classifies food delivery riders as employees (previously classified as self-employed) and also aims to provide riders with various protections and ensure better pay during non-peak hours. The law also has provisions on algorithmic management, obliging companies to provide transparency on how algorithms are used to distribute gigs, influence ratings, and other aspects of platform work. The law applies to the following food delivery companies: Deliveroo, Glovo, Stuart, Amazon, and UberEats. While other platforms will have to provide information on the use of algorithms in platform work to trade unions. This law was negotiated by ETUC trade union and followed the Barcelona Court's decision which found that 748 Deliveroo couriers were falsely self-employed. Deliveroo was obliged to pay EUR 1.3 million in social contributions. ¹⁸⁶ The law was ratified on 11 May 2021 and established that platforms have 3 months to comply with new regulations and reclassify delivery workers as employees. ¹⁸⁷
Case Law	2017	In 2014 the Asociación Profesional Elite Taxi, a professional organisation representing taxi drivers in Barcelona, brought an action before a local court asking to impose penalties on Uber Spain for engaging in unfair competition as it was not subject to conditions as other transportation services. The Barcelona Commercial Court sought guidance from the CJEU which decided, in 2017 December, that Uber's service should be regarded as a ' <i>transport service</i> ' rather than ' <i>information society service</i> ', the latter which allowed some freedoms under EU law for the platform. The CJEU's judgment meant that Uber will have to comply with the national rules of each EU Member State on transport services and/or on intermediation services in the field of transport, in the case of Spain, it meant that Uber needed to obtain the licences and authorizations required by Barcelona's regulations. ¹⁸⁸
Case Law	2018 June	A court in Valencia ruled that a Deliveroo rider should have been treated as an employee, and not as a self-employed contractor, in the first ruling over the rights of the online food delivery workers in the country. Deliveroo appealed the decision but later withdrew, which meant the person working through the platform was compensated for unfair dismissal. This set a precedent for other local disputes and similar decisions followed in 2019 and 2020 against Deliveroo. ¹⁸⁹
Case Law	2020 September	The Spanish Supreme Court ruled that food-delivery riders have an employment relationship with the platform Glovo. This decision is supposed to guide other courts in cases deciding whether food-delivery riders should be considered

¹⁸⁵ Beltran, I. & Ruiz, H. (2018). Employment status of platform workers (national courts decisions overview – Argentina, Australia, Belgium, Brazil, Canada, Chile, France, Germany, Italy, Nederland, Panama, Spain, Switzerland, United Kingdom, United States & Uruguay): UNA MIRADA CRITICA A LAS RELACIONES LABORALES. Ignasi Beltran. Available [here](#).

¹⁸⁶ ETUC (2021). EU must follow Spain's 'riders law'. Available [here](#).

¹⁸⁷ L. Cater (2021). Spain approved a law protecting delivery workers. Here's what you need to know. Politico. Available [here](#).

¹⁸⁸ T'Syen, K. (2018). EU Court Of Justice Holds That Uber Is Transport Services Company - Anti-trust/Competition Law - European Union. Mondaq. Available [here](#).

¹⁸⁹ See the summary of court decisions, under Spain's section [here](#).

Type of policy development	Year, month	Description
		employees. ¹⁹⁰ The decision confirmed all other local court cases in which the judges also decided in favour of persons working through platforms. ¹⁹¹ It also clarified that the freedom to choose when to work does not mean an employment relationship does not exist. And even argued that the fact Glovo couriers are pressured into working during peak hours means the flexibility on platforms is limited. ¹⁹²
Labour Inspectorate or other administrators	2017	The labour inspectorate of the autonomous community of Valencia concluded in December 2017 that Deliveroo riders are employees and not self-employed as the platform claims. As a result, the platform was obliged to pay around EUR 161,000 in unpaid social security contributions. ¹⁹³
Labour Inspectorate or other administrators	2018-2020	Campaigns tackling false self-employment in platform work were developed as part of the Labour and Social Security Inspection Strategic Plan 2018- 2020, including the development of a dedicated operative procedure, provision of specialised training to inspectors and implementation of regional pilot programmes.
Labour Inspectorate or other administrators	2019	The Labour inspectorates of Valencia and Madrid held that workers of Deliveroo and Glovo work in conditions of subordination to the platform, something that is not compatible with the purported self-employed status of riders. ¹⁹⁴
Labour Inspectorate or other administrators	2020 October	The Spanish labour inspectorate officially registered 4,066 Amazon Flex delivery workers who worked as self-employed (which is considered fraud due to pushing workers into bogus self-employment). The ruling requires Amazon to pay over EUR 6 million to cover Social Security contributions as the workers have been illegally classified as freelancers. ¹⁹⁵ The labour inspectorate finds that the decision of the Supreme Court in 2020 September applies also to the parcel delivers, with an additional emphasis on the fact that Amazon Flex riders are entitled to fixed hourly minimum rates of pay (as a supplementary indicator of employee status). ¹⁹⁶ The Labour Inspectorate in Spain also found that Glovo owned more than EUR 16.2 million in social security contributions for falsely employing around 11,000 workers as self-employed across major cities in all Spain. ¹⁹⁷

¹⁹⁰ Gómez, M. (2020). Spanish Supreme Court rules food-delivery riders are employees, not self-employed. El Pais. Available [here](#).

¹⁹¹ See the summary of court decisions, under Spain's section [here](#).

¹⁹² De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. (2021). Platform work and the employment relationship, ILO Working Paper 27 (Geneva, ILO).

¹⁹³ Stefano, V. (2018). Platform work and labour protection. Flexibility is not enough. Regulating For Globalization. Available [here](#).

¹⁹⁴ Stefano, V. (2018). Platform work and labour protection. Flexibility is not enough. Regulating For Globalization. Available [here](#).

¹⁹⁵ Gómez, M. (2020). Spain's Labor Inspectorate forces Amazon to give 4,000 false freelancers work contracts. El Pais. Available [here](#).

¹⁹⁶ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases

¹⁹⁷ Archyde (2020). Glovo accumulates 16.2 million in fines for employing false freelancers. Archyde. Available [here](#).

Type of policy development	Year, month	Description
Labour Inspectorate or other administrators	2020 November	Labour and Social Security Inspectorate ('ITSS' in Spanish) has been taking action to regularise delivery workers' employment situation and the SJS no. 24 of Barcelona declared there is an employment relationship between 748 workers and Deliveroo. ¹⁹⁸ Deliveroo, was found to own in requirements amounting to EUR 1.3 million.
Collective agreements	September 2018	The Workers General Union (UGT) signed a manifesto of intentions with the employer organisation of car rental companies with drivers (VTC), including Cabify (a platform operating in Spain and in 10 other countries). The agreement aimed at ensuring safe working conditions for all drivers and pushing all platforms, including Uber, to join. The agreement was proof of shared intentions, but it did not set any concrete actions, besides starting a social dialogue and setting up a collective agreement negotiation table for the future. ¹⁹⁹
Collective action	2020 October	A dialogue between the Spanish Ministry of Employment, representatives of the employers (Confederation of Employers and Industries of Spain (CEOE) and Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME)), trade unions (Confederation of Workers' Commissions and General Union of Workers (UGT)) took place in October 2020 ²⁰⁰ to elaborate an act that will regulate platform work. This initiative started after Supreme Court's decision against Glovo which ruled that the platform was not a mere intermediary, but that there is an employment relationship between Glovo and its riders. Before this ruling, the Ministry of Employment had already announced in early 2020 the importance of regulating people working through platforms. After several claims from workers and trade unions, the new act should cover all types of platforms. ²⁰¹
Collective action		'Labour Agreement of Good Practices' was signed by platforms Glovo, Deliveroo, Uber Eats, Stuart, and the professional interest associations of delivery drivers (Spanish Association of Messenger Riders, Professional Association of Self-Employed Riders and Autonomous Association of Riders). In the agreement platforms commit to provide appropriate resources for the protection of delivery drivers, to apply jointly and in a coordinated manner the 'Safe Delivery Guide', and to inform customers of the necessary safety measures to avoid contagions during the pandemic. ²⁰²
SWEDEN		

¹⁹⁸ F. J. Gómez Abelleira, F. Vallejo Cárdenas (not published). Data collection template for Spain, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

¹⁹⁹ Eurofound (2020). Platform economy initiatives. Available [here](#).

²⁰⁰ CCOO (2020). Las plataformas digitales deben adaptarse a la legislación laboral', CCOO, Available [here](#).

²⁰¹ UGT (2020). UGT y CCOO valoramos la reunión de la mesa de diálogo social sobre plataformas digitales', UGT. Available [here](#).

²⁰² F. J. Gómez Abelleira, F. Vallejo Cárdenas (not published). Data collection template for Spain, the Study to support the impact assessment of an EU initiative on improving the working conditions of platform workers.

Type of policy development	Year, month	Description
Collective Agreement	2018	The transportation platform Bzzt and the Swedish Transport Workers' Union concluded a collective agreement which allowed Bzzt drivers to be covered by the Taxi Agreement. This coverage meant people working through platforms were given access to the same standards as traditional taxi drivers (Bzzt drivers are now offered marginal part-time contracts). ²⁰³
Collective Agreement and other forms of worker organisation	April 2018	An agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services, and the European EFFAT, (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information about the company's strategies which might impact the work organisation and employee's interests. The agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers to the stakeholders and will hold the same voting rights. This agreement applies in Austria, Finland, France, Germany, Italy, Netherlands, Norway, and Sweden. ²⁰⁴
Actions taken by labour inspectorates and other administrators	2020 October	The Work Environment Authority found that the people providing various home and delivery services (e.g.: assembly of furniture, transport of goods, repair work, painting etc.) through the platform TaskRunner should be classified as employees. ²⁰⁵

²⁰³ Eurofound (2020). Platform economy initiatives. Available [here](#).

²⁰⁴ Eurofound (2021). SE (Societas Europaea, European Company) Works Council Delivery Hero. Available [here](#).

²⁰⁵ C. Hießl (2021). European Centre of Expertise in the field of labour law, employment and labour market policies (ECE). Jurisprudence of national Courts confronted with cases

Annex 2. Stakeholder consultations

1. Results of the social partners consultations

In accordance with Article 154 TFEU, the first-stage social partners consultation has been concluded between February-April 2021 and second phase was launched in the middle of June 2021. Besides this, several public consultations, relevant to the initiative, were carried out in the context of other legislative proposals. There are further overviewed in this section.

First phase consultation of social partners on possible action addressing the challenges related to working conditions in platform work

First phase consultation of social partners on possible action addressing the challenges related to working conditions in platform was launched February 24, 2021 and ran for six weeks. It was carried out to inform initiative on 'Improving the working conditions of platform workers' and aimed to consult social partners and gather their views on the possible direction of EU action to improve the working conditions of people working through digital labour platforms active in the EU.

In general, **trade unions and employer organisations** that took part in the consultation agreed with the issues that Commission identified. However, some **trade unions** argued that topics of the status of platform companies as employers, (temporary work) agencies or intermediaries should be also addressed.

Overall, **trade unions** supported an initiative on improving the working conditions of people working through platforms and put the employment status at the centre of such action. They called for a broader approach to cover non-standard workers in general to ensure that all have the same legal protection, collective bargaining rights, access to social security and minimum wage, as well as health and safety guarantees at work. Therefore, they emphasised the importance of recognising platforms as employers that should determine the terms and conditions, as well as pay social contributions, and advocated for a rebuttable presumption of employee status, arguing that current requalification procedures place the burden of proof, takes long and cause misclassification.

Further, trade unions supported **access to training** for all people working through platforms and highlighted the importance of cooperation between Member States with regard to **cross-border** dimensions. In addition, certain rights related to automated decision-making and the use of algorithms should be guaranteed for people working through platforms, according to **trade unions**.

Employer organisations, however, questioned an EU initiative on platform work, arguing that the TPWC Directive and the P2B Regulation already address some aspects of platform employment, including on-demand work, transparency and complaint mechanisms. Platform work, according to this stakeholder group, should not be regulated

specifically, rather only at the appropriate level where the gaps possibly exist. In general, they believed that people who work through platforms should be classified according to national definitions and by the national courts. **Employer organisations** emphasised the need to respect individual decisions and avoid setting up barriers that could potentially lead people working through digital labour platforms into an undesired employment relationship.

Further, they argued that specific legislation is problematic because the platforms and the reasons to work through them, as well as conditions throughout MS are diverse. Therefore, instead they advocated for the proper application of current national and EU regulations. With regard to working conditions, access to social protection, automated decision making and the use of algorithms, **employer organisations** referred to existing labour laws and EU instruments. However, they recognised the cross-border aspect and importance of training, as well as advocated for easier access to collective bargaining for those considered employees.

Following the first-stage consultation, second phase consultation is ongoing until 15 September 2021 to further expand on the analysis of identified challenges, explore the necessity for and value of EU action, and identifying of viable paths for such action.

Results of the open public consultation on the DSA package

Issues of the employment status and working conditions of people working through platforms had been already covered to some extent in a public consultation on the Digital Services Act (DSA) that ran from June to September 2020. It explored emerging challenges in other areas related to online platforms and digital services, including the **situation of self-employed people offering services through platforms**, which is especially relevant in the context of the current initiative.

Individuals, as well as public authorities, businesses and employers or workers organisations answered to this section of the consultation. The variety of services offered through online platforms and covered by the responses included food delivery, household maintenance, ride-hailing, software development, translations, art and design, health counselling or training.

Most individuals and organisations highlighted the need for action to remove existing obstacles to improve the situation of individuals offering services online and offline. The most frequently mentioned obstacle was the **lack of clarity concerning the employment status of individuals offering services**, including the risk of infringing competition law. The main concerns of the individuals supported by the views of social partners and trade unions included the lack of social security coverage, work precariousness and uncertainty vis-à-vis working time and risks of social dumping. The majority of respondents indicated that they are not able to collectively negotiate their remuneration or other conditions vis-à-vis platforms. The public authorities also argued that EU measures should be considered addressing unjustified barriers to cross-border transactions.

Furthermore, the issue of the lack of transparency in online ratings, lack of transparency in remuneration, and the lack of possibility to organise collectively vis-à-vis the platform represented the three most pertinent challenges in the participants' responses. A big majority of the respondents (both citizens and organisations) indicated that the possibility

of collective bargaining would represent a significant improvement for individuals offering services both in the online and offline economy.

Finally, the platforms and the business associations highlighted the need for creating harmonized rules across Member States to ensure a level playing field among platforms but also vis-à-vis the traditional sectors of the economy. They called for an agile way of establishing decent working conditions for people working through platforms without endangering competitiveness and creating the risk of misclassification²⁰⁶.

Results of the public consultation on the AI White Paper

The practices of algorithmic management applied by labour platforms relate to the broader trend of AI application in expanding areas of everyday life. This has been addressed in the recent proposal for the AI Act. The Act was preceded by a broad public consultation launched on the basis of the White Paper on AI 19 February until 14 June 2020. The consultation aimed at discussing specific actions for the building of an ecosystem of excellence to support the development and uptake of AI across the EU economy and public administration, options for a regulatory framework for AI, as well as safety and liability aspects of AI.

To address these issues, 42% participants suggested the introduction of a new legal framework on AI, while another 33% believed that current legislation needs to be amended to address the gaps. However, only 3% of respondents thought that present legislation is sufficient. Concerning the scope of this potential new legislation, 43% of respondents agreed that new mandatory regulations should only be applied to **high-risk AI applications**. The Annex III of the AIA proposal points out that 'AI intended to be used for making decisions on promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating performance and behaviour of persons in such relationships' are considered as a 'high-risk AI system'.²⁰⁷

2. Stakeholder interview programme for the impact assessment

Below are the summary of the findings from the interview programme.

Employment status of people working through platforms

Platforms and employer representatives

Reflection on the policy options

- Not all platforms for on-location work completely opposed the idea to reclassify a share of people working through them as employees. However, a platform which agreed that bogus-self-employed should be employees, emphasised the **importance of the criteria** determining on who qualifies as genuinely self-employed and who – does not. These criteria can affect what impacts the initiative may have. For example, if the employment criteria would apply to full-time

²⁰⁶ Available [here](#).

²⁰⁷ Available [here](#).

workers only (i.e. those working more than 20 hours per week), platforms would simply not allow people to work more than 20 hours per week to make sure they can still be treated as self-employed. Criteria should not leave any ambiguity because this might lead once again to legal disputes and additional costs.

- Some of the on-location platforms advocated for **the certification procedure**, applied in some countries outside the EU (e.g., Azerbaijan): a platform presents a standard service contract used to contract people working through platforms to a responsible government agency. The agency reviews the contract, says whether it violates the labour law or not and, in the former case, what changes to the contract need to be made to abide by the law. The agency then approves the contract and a platform is certain it is abiding by the law.
- Most on-location platforms do recognise that the current situation of some of the workers is sub-optimal. The preferred option for most on-location platforms is **'contractor with extra protections'** model, in which people would remain self-employed, but they would gain the right to organise collectively; while platforms would pay for their sick leave and insurance; and ensure other work protections. This would mean increasing taxes and benefits for all self-employed. Many on-location platforms expressed that they have considered providing extra benefits to their self-employed workers. However, platforms fear that would qualify them as an employer and cannot risk reclassification. Some pointed to the system in Austria where people can choose their employment status and have access to social security regardless of their status (contributions are paid by the platform). Another option would set a higher minimum wage for self-employed or casual workers that would compensate their social security contributions.
- A possibility to allow on-location workers to set their own prices was discussed by one platform. According to it, implementation would require resources from the platform to programme the functionalities, hire additional workforce for the development and legal team. The consumers would also lose, because workers would start 'cherry picking' (e.g. drivers chose only the most profitable rides). Prices may increase if there is some price fixing by people working through platforms. At the same time, prices might decrease also due to race to the bottom, (e.g. increased times) hurting the workers. They are also would lose out because they would most likely spend more time waiting for better or more profitable client.

Reflection on the impacts

While most platforms emphasised that reclassifying the platforms workers as employees would have 'dramatic' consequences on their companies, a minority of interviewed platform representatives presented more reserved opinions on the scope of actual impacts.

- The practice of **limiting the time or earnings** that the people can work or generate per month, or another period of time, is already applied by a number of platforms, especially in on-line micro-tasking. This practice can be extended further if the new initiative creates incentives for that.
- Besides the **costs of reclassification** for platforms, related to the higher tax rates and social security contributions, another major category of costs is **administrative**, associated with hiring HR specialists, signing the contracts, allocating shifts, assigning shifts to workers, etc.

- Some platforms emphasised that in case reclassification is mandated, they would need to rethink their business models (employment through temporary employment agencies seemed to be a viable option for many), **and bankruptcies will be inevitable for many**, especially smaller platform companies. Platforms on which people provide online services mentioned they would consider discontinuing their services in the EU since reclassification goes completely against their business model.
- Some of the platforms compared the likely administrative costs to the ones induced by the GDPR to **large and small companies**: it required considerable resources to comply with (lawyers, personnel to monitor and supervise the data practices at companies, etc.); while larger companies adapt quite well, smaller companies with poorer resources struggle to comply.
- However, some platforms currently employing on-location workers (delivery riders) in some of the countries mentioned that in terms of payments to workers, not much of a change in terms of total costs is expected. The **tax contributions** would reduce the net income of riders.
- What concerns effects on workers, most platforms emphasised that in case of reclassification to employees, many people would **lose flexibility**, which many people working through platforms truly value. Many would have to work shifts (at least in on-location platform work) and would encounter more algorithmic management in their work because – given that their remuneration would no longer be based on outputs – a need would arise to monitor their efficiency. Moreover, they will lose the opportunity to work through multiple platforms. The majority of platforms argued that these losses would be greater than what workers could win from improved social security and other rights that they would get as employees.
- **The number of employed people would also shrink**: 1) platforms would not employ people who engage in this activity very sporadically and short hours; 2) fewer people would want to engage in this activity. For example, a food delivery platform estimates that around 41% of their couriers in the EU (13,300 people) would lose that platform as a source of income, should they need to be reclassified, as it would not make sense for us to employ couriers who would work less than 7.5 hours per week.
- **Consumers** in many cases will be the ones to bear the consequences of the increase in labour costs, as well as suffer from the decreased quality of services (due to longer delivery/ arrival times). The quality of services was said to decrease also because employees would be protected against dismissal by the law. One platform estimated that delivery costs would go up 30-40%.
- However, in the sector of food delivery, increase in costs would first of all hurt the **restaurants**, especially in less densely populated areas outside the major cities. This is because now a few couriers, working through multiple platforms at once, can fully satisfy the demand for courier services. If these people had to be employed, the platform would have to ensure that there are enough deliveries in the area to justify paying a fixed salary.
- In some countries and sectors (e.g., cleaning work), increase in **undeclared work** can be expected.

- **Platform work as an entry point to the labour market** would close for some groups of workers, e.g., students and migrants.
- Most platforms expressed the view that reclassification of workers to employees in the online segment of platform work, would diminish the innovation potential and **competitiveness of EU platform businesses**, to the advantage of non-EU platforms (the big American and Chinese ones).
- Platforms that employ all of their workers argue that platforms using the self-employed workforce compete unfairly and exploit their workers to reduce their costs at the expense of their wellbeing. Given this, several interviewees argued (a platform and freelance cooperative representatives), if the platform business model cannot survive employing their workforce (just as other traditional companies do), such a business model should not be present in European economies.

Trade unions and representatives of people working through platforms

Reflection on policy options

- All trade unions agree that a **clarification of an employment relationship** is needed. According to many, platforms should employ people working through them if the person falls under the criteria of an employment relationship. This would still allow for genuine self-employment of those workers whose nature of work does not entail subordination and other aspects of employment relationship, leaving them the desired flexibility and autonomy. Establishing an employment criteria is a priority and California serves as a good example on how to do it. Representatives stressed that the policy option should allow for **case-by-case determination of an employment relationship**, as there are different types of platforms with various forms of work.
- The creation of a third/intermediated status did not receive any support as it would create a system which is too difficult to navigate. Including people working through platforms under the protection of labour law is the best option.
- The two options mentioned the most were **1) shifting the burden of proof to the platforms; 2) establishing a rebuttable presumption of employment** (which could apply to only on-location platform work or to all people working through platforms). When defining to which sectors or platforms the new law applies, it should be considered that digital work is rapidly expanding to other sectors.
- **According to them, platforms should be paying for social protection** (not the worker and not the state). All trade unions see that currently platforms transfer certain employment associated risks to the workers. As such social protection for people working through platforms is of utmost importance. Some expressed that the only way to ensure OSH rights for people working through platforms is to make them employees. Others did mention that giving rights to self-employed could be an option, however it would require (re)structuring a new system which is more complex than including them into the existing one. Trade unions expressed a strong opinion on bogus self-employment which, according to them, is prevalent among most people working through platforms. In such situations they lack control over their work as platforms decide their earnings, assignments,

and when they can be removed from the platform. This would be addressed through reclassification of their status.

- The new legislation should not leave space for choosing an employment status. Then the success of the workers would be in the hands of the consumer as it has been in Denmark where the customer can choose to hire an employee or a self-employed person on Hilfr platform. **Leaving ambiguity means the consumer pays for the employment of the worker and not the platform.** Therefore, demarcating between the groups of workers is crucial in order to ensure people working through platforms are protected by labour laws.
- Some expressed that the policy could focus on **increasing access to social protection for the self-employed.** This would ensure protection for those working through platform who are genuinely self-employed. However, some trade union representatives noted that the reason workers choose self-employment status is not always because they desire flexibility. In some cases, people working through platforms are not aware about the social protection and savings excluded from this status prior to talking to unions. Also lack of awareness causes wage dumping by the self-employed. Therefore, more awareness should be raised about the rights and obligations for the self-employed.
- **The opinion to keep people working through platforms as self-employed was not as prevalent as reclassifying them as employees.** However, a couple of trade unions did mention that reclassification should be limited only to on-location platforms where people are in bogus self-employment more often. Platforms for online services tend to have more genuine self-employment. Workers' representatives described that in cases where the person can choose the client and the client can choose the worker the platform should be considered an intermediary and not an employer. Therefore, it is important to establish what type of employment would indicate an employment relationship. Especially since some platforms avoid providing benefits for the self-employed workers because they fear to be classified as employers.
- Trade unions also raised concerns over **competition law** which currently disallows for the solo self-employed to engage in collective bargaining. Currently the only leverage trade unions have over platforms is good will, reclassification would mean more equal playground for drafting collective agreements.
- A preference for an **easy, out-of-court administrative procedure** to reclassify workers was expressed. An ombudsman institution with representatives from all groups related to platform work could also help to mediate between platforms and people working through them. Germany works an example of having such an institution. Also increasing human and financial resource for the labour inspectorate was mentioned in order to ensure reclassification occurs where it is intended.

Reflections on impacts

Overall, trade unions stressed that **employment standards is the top priority** and concerns over costs cannot overshadow the need for improved working conditions in platform work. Some agreed there would be increased costs for employers and consumers related to reclassification of workers. However, they argued that all stakeholders would in the end benefit from such policy.

- The biggest impact would be felt by the people working through platforms in terms of **social security and better working conditions**. The workers would win access to social rights, better pay, possibility to organise and create worker councils, access collective bargaining. More importantly, they would have access to a mechanism for complaints and voicing concerns over surveillance and rating practices on platforms. Trade unions noted that their role is to think about the future of workers, therefore people working through platforms would be more protected in retirement or even in cases of accidents or disability. Overall, precarious employment would decrease and platforms would have less opportunities to maintain poor working conditions. As in the example of Lieferando, a platform employing its workers in Germany, reclassification entailed improved working conditions, provision of equipment and etc.
- The importance of improving access to welfare systems has been proven to be very important during crises as many persons working through platforms were found in vulnerable positions. Improving their access to social security means more **stability for such workers in times of crisis**.
- Most interviewees agreed that **earnings might decrease for workers** if they were reclassified. However, other argued that salaries might increase because now they do not earn the minimum wage. Overall, the position is that decent working standards are priority over earnings. In addition, many stressed that workers should be paid by the hour rather than per ride/assignment. If earnings would not be based on deliveries made and riders would be paid per hour less road accidents would occur.
- Those who want to work as freelancers, have another primary job, or engage in platform work just to earn additional income would lose if reclassification is mandated. Also, migrant workers could face difficulties accessing the labour market as becoming an employee puts restrictions on their working hours. Many representatives agreed that increasing subordination means losing autonomy. However, now employees are subject to subordination without enjoying rights that come with it. As such, some agreed that the number of workers would decrease and **employment would become more stable**. People would work more regularly and less occasionally. However, there were diverging views on the number of available working hours for employees, some said it would decrease.
- Platform would benefit from **more legal certainty** as there would be less unexpected court cases which is also costly.
- In food delivery platform work, some costs would be carried by **restaurants** out of which some would choose to not use platforms for delivery. However, it was noted that larger restaurants have managed to remain profitable even when using platforms which employ workers. Therefore, it can be assumed that the biggest impact will be felt by small restaurants.
- According to a few trade unions, **customers might face higher prices**. However, they would be willing to pay more. In order for platforms to stay competitive they might choose to reduce their own profits and keep lower prices. We have seen that Just Eat in Italy remained competitive in terms of prices even when employing their workers. Even if the prices need to increase some noted that reclassification also **increases productivity** which could have a positive impact on the profits. Also, platforms would have the ability to train employees and use other ways to improve the quality of services provided which they now

avoid due to the fear of being seen as an employer. Therefore, customers would benefit from increased transparency, compliance with safety standards, and **better quality services**.

- Platforms might **lose profits due to the need to reorganise their business model**. However, the current one is not viable and results in poor working conditions and lack of social security. Many workers' representatives felt that platforms which would go bankrupt when employing its workers to not deserve to function as a business.
- There would be a positive impact in equalizing the playing field between platforms. Also, this would allow for fair competition which is not based on exploitation and dumping.
- Reclassification of workers would **ease the burden for trade unions** since it is easier to collectively bargain for employees. This is important considering that people working through platforms are in precarious employment. Achieving protection while they are classified as self-employed is difficult in most member states and without EU action trade unions would remain powerless. Even in some countries (Poland) where self-employed can collectively bargain organising people working through platforms is challenging.
- When it comes to public budgets there would be **increased costs for the labour inspectorate**. However, **public budgets would benefit from more taxes and social security contributions**. The majority of interviewees noted that the self-employed people working through platforms are not aware of their tax obligations. Overall, platforms currently function in a fiscal grey area and reclassification might trigger more regulations of platforms as well as reduced costs of undeclared work.

Representatives of national authorities

Reflection on policy options

- Most representative of national authorities expressed the need for EU guidance in terms of reclassification. Some expressed a preference for the **non-binding guidance**.
- In regards to different policy options there were diverging opinions as to which policy would be best. Introducing **rebuttable presumption** for employment was perceived as the optimal solution only by some interviewees. They argued it does not require strong union representation of people working through platforms which is needed if only the burden of proof is shifted.
- **Shifting the burden of proof** to the platform was a preferred solution for others as it leaves more choice to the person working through platforms. If the person wants to be reclassified he/she would not be burdened with legal costs. This policy would also take into account that people working through platforms usually cannot access evidence which would prove an employment relationship exists. With the shift in burden of proof people who are indeed in an employment relationship could claim their entitlement to social protection and employee rights.

- Bogus self-employment should be addressed from a general perspective as it is an issue not only in platform work.
- Some authorities expressed that they plan to **expand the social security framework for the self-employed** which would address many issues related to platform work. Many of them consider it important that the majority of persons working through platforms enjoy their self-employed status, however would prefer increased social security. As such, most authorities considered that platforms are responsible for paying the contributions for the self-employed and providing accident insurance.
- Almost all representatives noted that the self-employed should have the **right to collectively bargain**. And thus the EU needs to address the competition law preventing access to these rights.
- All of the public authority representatives expressed that people working through platforms should be **included in the two existing categories of employment** without creating a special system for this type of work. Some explicitly said that a third status for people working through platforms should be avoided.
- Authorities expressed the need for clarity in regards to **what is the responsibility of platforms**. Now there are many disputes arising as to who needs to provide equipment, who should cover expenses in cases of accidents, and etc. Determination of an employment relationship needs to clarify these questions.
- Some representatives suggested having a **certification procedure for platforms**. It would assess whether platforms will be able to ensure minimum working standards and social rights for people working through them.

Reflection on impacts

- Introducing a specific regulatory framework for platform work might entail difficulties because platforms would try to opt out from the new regulation. For example platforms might start using **temporary work agencies** more often to externalise the risks of employment.
- Furthermore, **establishing minimum standards** could mean establishing the norm. Then the protection of people working through platforms would not go beyond this minimum.
- The majority of public authorities expressed concern over **traditional businesses** which compete with platforms. Regulation of employment framework in platform work would allow for more equal playing field between platforms and traditional businesses. On the other hand, introducing a rule which only applies to platform work might mean that traditional workers who provide the same services would be excluded from the new initiative. Therefore, the new initiative should take into account the traditional businesses which compete platforms.
- There would be a **positive effect on labour and social protection** regarding working time, paid holidays, health and safety protection and access to social protection and redress mechanisms in platform work. This is especially important since some labour inspectorates have noticed people subcontracting their

account for other people (often migrants). In these cases the responsibility is unclear in cases of accidents.

- Representatives of public authorities are not sure about the effect on labour supply in platform work. Most considered that the **number of workers is more likely to decrease**. Also, one representative noted that undeclared work might increase.
- **Net wages would decrease** for employees working through platforms. However, some said that the hourly wages might increase.
- Reclassification would definitely **increase public budgets** as more taxes and social security contributions would be collected.
- **Investors** might turn away from platforms if reclassification is mandated. However, platforms would benefit from more legal clarity.
- In terms of **competition** among platforms, representatives predicted a more levelled playing field. However, this depends on the new rules being harmonised across the EU. Otherwise, cases of unfair competition might arise. One representative thought that SMEs would actually be better equipped to employ workers and this would give them leverage over large multinational companies.
- **Implementation and enforcement costs** would be bore by the labour and tax inspectorates. They might require increased human and financial resources to apply the new rules. In many cases, the labour inspectorate would be responsible for ensuring companies comply with the new regulation. In terms of **administrative costs**, one representative said that introducing rebuttable presumption would not be costly. Most interviewees could point to existing bodies which would be responsible for dealing with the changes brought by the initiative.

Experts and academics

Reflection on policy options

- Majority of experts and academics agree that **recommendations/ guidance from EU would not be effective** or bring any change. Mandatory standards and rights could have an effect. Most experts argue for hard law and regulation which could help to bring claims in courts.
- Many experts consider **rebuttable presumption** as a possible policy option but also stress it might be applicable **only to on-location platforms**. Furthermore, one expert argued for a moderate rebuttable presumption which indicates criteria for what constitutes and employment relationship without specifically applying to platform work (as it is in Italy). This would encourage platforms which already fulfil the criteria to employ their workers. Those who desire reclassification would enjoy a more streamlined litigation. However, most experts agreed that rebuttable presumption is not a solution for all platform work and especially not online platform work.
 - Something to keep in mind when considering rebuttable presumption is that some countries do not have a dichotomous employment system.

Therefore, with rebuttable presumption of employment platforms would complain why they cannot use an intermediary category/ contract.

- Experts also stressed that the solution should be more universal and beneficial for **all non-standard workers** rather than just for those in platform work. Rebuttable presumption could be formulated in a way to address on-demand work.
- Others argued that a **two-tiered system** in which people who depend on income from platforms (i.e. work more than 25 hours/week) would have to be employed, whereas the remaining ones could work as the self-employed.
- The most immediate but less discussed solution among experts is streamlining and simplifying the **burden of proof** for employees or shifting the burden of proof all together.
- All experts agreed that introducing a **third category** would be ineffective and would increase legal uncertainty.
- The solution should address the main concern of people working through platforms which is earnings. **Price floors** are what people working through platforms have been going on strikes for. However, a fixed minimum wage could also mean a price ceiling in platform work. Demands of people working through platforms are best addressed through collective agreements. Therefore, **collective bargaining** and organisation of people in platform work is the goal to achieve domestic agreements and desirable earnings.
- Some experts also noted that providing people working through platform with social benefits could be done through a special system for people in platform work who would receive unemployment benefits and health insurance, or by providing the self-employed with certain social security benefits.
- Whichever option chosen, **monitoring an implementation** should include coordination between Member States to ensure labour inspectorates share their experiences. Overall, experts noted that **labour inspectorates** would have to be strengthened.

Reflection on impacts

- Positive impact of reclassification would be for those whose **main occupation** is working through platforms. Those who use platforms to earn additional income would lose if they were to be reclassified.
- Research conducted by experts suggested that people working through platforms do value **work security, social protections, and predictability**. Social rights and better working conditions would be achieved for those in de facto employment relationships. The persons working through platforms would not only have access to social protection but also be better protected against dismissal.
- Introducing rebuttable presumption as a binding rule would be a **bigger burden for SMEs** who have less abilities to adjust business models and change terms and conditions.

- Most experts agreed that the **number of people working through platforms could decrease**. However, experts pointed out that platforms do not create jobs but intermediate for existing regular jobs through platforms. Therefore, changes in the labour market would not be that significant. Also occasional work is the one that would be decreasing the most. **Migrant workers** would lose access to the labour market due to their status limiting the amount of working hours for employees. Employment might also decrease for students.
- Other experts argued that **informal economy would decrease**. For example now one cleaning services platform charges 30% commission, which motivates cleaners to find regular customers as soon as possible and transition into informal economy. This would be reduced with reclassification.
- In terms of earnings some experts say that **net wages** for people working through platforms would increase in cases where persons were paid below the minimum wage (this especially concerns migrant workers). However, in general platform work would become a **low-wage industry**. A fixed hourly wage in the delivery sector means minimum earnings because the work is low-skilled. Also earning extra money by working extra shifts will not be an option anymore.
- Some experts think that platforms would start employing workers more through **temporary work agencies**. This might pose a risk as some agencies are regulated but others have quite poor working conditions.
- Experts agree that **prices are likely to increase** for platform services. However, an increase in prices for services might not affect the demand. Experts argue that platforms already have a customer base which would be willing to pay more for **accountable, standardised, and higher quality service**. In addition, current prices are subsidised by investors because platforms aim to monopolise the market. Increased prices would represent the real cost of services which is not the case right now.
- Some experts noted that it would be cheaper for platforms to employ workers rather than risk fines for misclassification. However, some platforms might try to **circumvent the new regulation** and adapt business models to continue hiring people as self-employed. In NYC Uber is trying to enter into a collective agreement to avoid the minimum wage law. Some platforms might **discontinue their services** in unprofitable markets (as Deliveroo left Berlin).
- There would be **less tax evasion and social dumping**. Unfair competition based on social dumping will be reduced or even eliminated. However, tax evasion might continue on corporate level.
- **Public budgets would increase** since more people would be paying taxes and contributions. However, they would incur costs for creating a new body/ institution for monitoring the implementation and enforcement of new rights and obligations.

Algorithmic management

Platforms and employer representatives

Reflection on policy options

- Majority of platforms and employer's organisations agreed that regulation for AI is necessary. However, most said that the current GDPR, P2B and AI Act regulations are sufficient and if any new rules are to be passed they should **avoid overregulating**. Most platforms and representatives argued for non-binding guidelines.
- Furthermore, almost all platforms expressed that they already provide information in regards to algorithmic management. However, **defining algorithmic management** could be the first step to understanding whether platforms are providing enough information.
- All platforms claimed that the vast differences between the business models of platforms means one model or solution would not be effective.
- Almost all platform were against the idea of sharing their **trade secrets** and publishing information on algorithms used in platform work. According to most, revealing the source code is not an option, as it is not only platform's intellectual property, but also understandable only by experts.
- Platforms agreed that the new regulation should aim to increase the **'understandability' of algorithms, human oversight and right to redress**. Many platforms said they already provide for such rights and have implemented such practices. However, to level the playing field a **basic level of transparency** should be provided by all platforms.
- Majority of interviewees saw **ratings portability as unfeasible**. It would require making reputational information uniform across all platforms. Even if that would be possible, some platforms said they could not trust the ratings on other platforms.
- Most platforms said they do not use rankings for terminating contracts while others claimed they do it with transparency and human oversight. Nevertheless, the majority agreed that the new regulation should include provisions concerning **automatic termination of contracts** and **mechanisms for redress**. In terms of channels for redress, platforms supported channels for which the transaction costs would not exceed the benefits also agreeing it should include human oversight.
- Almost all platforms stressed that regulation should ensure EU companies do not lose their **competitive advantage** against other international companies. It should **not stifle innovation**.

Reflection on impacts

- People working through platforms would enjoy **more transparency** about algorithms which determine their work. This could increase job satisfaction.
- Transparency risks **disclosing trade secrets**. Platforms expressed concern that complying would leave them at a **competitive disadvantage** as they feared competitors would use this information. This might encourage larger companies to invest in circumventing the regulation. According to one platform, circumvention peaked after the GDPR regulation was passed. This would then leave smaller companies disadvantaged.

- In terms of costs, there were diverging views among platforms and employer representatives. The majority mentioned that **costs will depend on the extent of the requirements**. The costs will be higher if the audit is detailed, frequent or if platforms are required to revise processes, change the algorithms used. As with GDPR regulations, there will be a bigger financial and legal burden for the **smaller companies**. Larger companies who have more resources and legal experts could minimize administrative costs.
- The costs would consist of legal, administrative, IT costs and also costs for increasing the complexity of the platform. If the transparency regulation is not harmonised among Member States, platforms would have to adapt to different rules and standards. Thus, additional costs were predicted by platforms functioning in more than one country.
- All these costs could **lower the earnings** of people working through platforms and **increase the prices** for consumers.
- Also, ratings portability could **decrease the quality** of services provided. The platform could no longer ensure the rating is just if it is transferred from another platform. Also, **fraud cases** could increase due to the lack of access to worker's/freelancer's transaction history. If information on algorithms is published people would have it easier to circumvent the system and commit fraud.

Trade unions and representatives of people working through platforms

Reflection on policy options

- All representatives support EU action to address algorithmic management through measures such as a **Directive**. They claim that non-binding guidance or recommendations would be ineffective. Also, a **set of standards** or rights established by the EU should allow for domestic negotiations and the development of national rules.
- Most trade unions and workers' representatives agreed that the EU should focus on: increasing transparency, guaranteeing human oversight, ensuring appropriate channels for redress, reinforcing information and consultation rights, strengthening the right to privacy, promoting ratings' portability, and excluding automatic contract terminations.
- When it comes to **channels for redress**, representatives supported including human oversight in this step. A courier expressed that workers should be informed about the penalties on platforms with an adequate notice period. In addition, to redress mechanisms there should also be **communication channels** to report technical problems or errors on the app.
- Most representatives spoke against the **automatic termination and suspension of accounts** and supported the idea of eliminating such practice on platforms. EU action is necessary in this regard since some platforms have opted out from collective agreements to avoid eliminating automatic deactivation in Denmark.
- Some representatives noted that **portability of ratings** is important to ensure people working through platforms are not dependent on one platform and feeling 'locked in'. Also, persons should be able to challenge ratings and be allowed to have arbitrary ratings corrected.

- Almost all representatives noted that stronger protection is necessary in regards to **data collection and use**. GDPR regulation should be complemented as platform work has changed the ways in which platforms use and collect data.
- Information on algorithmic management alone might not be enough. Interviewees stressed that people working through platforms should be able to **challenge and negotiate algorithms**. People working through platforms expressed discontent with the fact that you can only accept the terms and conditions or stop working. A **process of consultation** before introducing changes in the app was mentioned as a solution. Some experts noted that including people working through platforms under the Labour law protection could also entail more protections against decisions made by algorithms. **Employees** also have access to more collective representation and thus could negotiate the rules on algorithmic management.

Reflection on impacts

- None of the representatives mentioned any negative effects on consumers or the number of workers if algorithmic management were to be regulated.
- **Working conditions** would improve due to less stress, more clarity, and fewer arbitrary decisions. Representatives noted that algorithms tend to nudge successful and more active couriers to take on more work, work long hours and night shifts. **Unsafe driving and overwork** might be reduced if algorithms are regulated. Also, information on algorithms would allow for more flexibility and reduce stress.
- Majority of representatives said that **fairness** would be increased. More human oversight means fairer allocation of tasks. Also, EU-wide regulation on algorithmic management means fairer competition among platforms.
- Representatives noticed that there would be a more equal distribution of **working hours**. In addition, people could be working more hours because their accounts would not be automatically suspended or deactivated. This would increase the **earnings** of people working through platforms. Also, algorithms on platforms currently disregard waiting time and obstacles when driving/delivering food. The person gets paid the rate of minimum hourly wage equivalent to the estimated delivery time by Google Maps. It does not take into account the time spent waiting for delivery, red lights or other obstacles encountered. Adjusting the algorithm to address these issues would result in higher earnings for workers.
- Action from the EU might pressure local actors to take initiative. There would be an increased burden **for trade unions** which would have to consolidate efforts to draft collective agreements regulating algorithmic management. However, majority of representatives believed that more beneficial collective agreements would be drafted to address algorithmic management.
- Platforms would suffer **costs** if their algorithms required improvements to comply with the regulation.
- Most representatives agreed that the **costs of implementation and enforcement** would not be significant. However, some noted that the responsible institution would have to acquire the necessary skills to ensure algorithms are monitored efficiently and this would require resources. At the same time, some

interviewees mentioned that increased earnings would result in increased **public budget**.

Representatives of national authorities

Reflection on policy options

- In general, representatives of national authorities advocated for comprehensive, **non-binding guidelines** to strengthen the rights of people working through platforms in algorithmic management. These guidelines should not include strict rules and **should not take form of a Directive**. Rather, they should assist MS in introducing **mechanisms** responding to the issues of algorithmic management (such instruments need to be **elastic and adjustable** in view of the rapid developments in this field).
- According to interviewed public authorities, transparency rights should primarily concern the **operating mechanisms of the platform, the working conditions** (including information on how the salary is determined) **and how the evaluations are determined**. Accessing the operating modes of the platform is already too difficult, both due to a lack of technological skills and a lack of transparency and legal obligations to disclose this information.
- Further, interviewees stressed these questions should not be addressed **by a platform-specific instrument only**. They mentioned that ensuring human oversight, strengthening the right to privacy or reinforcing information and consultation rights are important, but more general issues are also relevant for all self-employed workers, and beyond. According to them, it is crucial not to fragment this regulation for people working through platforms and ‘other’ workers.
- Interviewees believed that addressing algorithmic management is intrinsically **linked to the clarification of the employment status**. These considerations, especially with regards to working conditions, are also made in the context of the Directive 2019/1152, which so far only provides subordinate workers (leaving autonomous workers out of the equation) with rights in terms of transparent and predictable working conditions. Therefore, the production of rights was preferred, but in general this production was secondary to the clarification of the status as subordinates, which would guarantee nearly complete coverage of rights against the pitfalls of algorithmic management. Some public authorities worried that in case of guidelines are produced, regulatory action of MS may be **uncoordinated**, leading to differences in terms of definition of rights and determination of the employment status. This could for example lead to further problems of **cross-border social dumping**.

Reflection on impacts

- Public authorities believed that in case there is more transparency on how the algorithm works, people working through platforms would benefit most from strengthened information, consultation rights and reinforced privacy rights.
- To start with, they will be able to plan their services better, which would lead to **better earnings/estimates on how they can earn more**.

- Further, transparency with regard to algorithmic management would help people working through platforms to be better informed and **gain more control on their work performance rating**.
- This would also improve **their access to social rights**.
- However, public authorities did not deny that **higher costs for platforms can affect their competitiveness**. They mentioned that the disclosure on the functioning of the platforms should in any case be balanced with the rights relating to industrial/ intellectual property, in order to preserve the competitiveness of companies based on the specificity of new organisational models, and on investment in research and development.
- Some also worried that accessibility to information may lead to **less incentives for platform companies to innovate** (if they need to disclose much technical information about how their algorithms operate).
- Moreover, algorithm transparency rules could also have similar effects both on **costs for the public administration and for platforms** to adapt to the new rules.
- As a result, increased costs for platforms may cause similar increase in cost of services for **consumers**.

Experts and academics

Reflection on policy options

- Majority of experts argued that recommendations and guidance regulating algorithmic management might be overlooked by Member States. At the same time experts agreed that regulating at EU level is essential, however the new regulation should leave room for **national social dialogue** and regulating at the domestic level. The EU could set **minimum standards** for algorithmic management which could be further negotiated by social partners at the domestic level. This happened with GDPR regulation in which Art. 88 called for reinforcement of the protections at the national level through collective agreements.
- Majority of experts agreed that a new regulation is necessary which would **complement GDPR and P2B regulations**. They stressed that the regulation should take into account that algorithmic management is not a characteristic of platform work only and can be also found in **traditional work arrangements**.
- Experts supported that the regulation should focus on **1) excluding automatic contract terminations; and 2) ensuring appropriate channels for redress**. One expert argued that human oversight is not as important since algorithms are created with criteria which is decided by humans. So, including another person to supervise would not make much of change in terms of protections. However, human oversight in channels for redress was said to be important.
- The minimum standards could include information on task allocation and reasons for suspending or deactivating accounts as well as reputational rankings. Also, people working through platforms should have the ability to **negotiate**

algorithms. However, one expert noted that transparency on algorithms would be tricky to implement since algorithms tend to be updated frequently.

- Experts also agreed that algorithms tend to promote existing inequalities, thus the new regulation should aim to diminish the risk of **discrimination and arbitrary ratings.**
- **A body to enforce** these rights would be necessary. Most considered that a committee of non-discrimination could be used or a new body should be created on a national level.

Reflection on impacts

- **Administrative costs** for the state are predicted if a new body is necessary to oversee the enforcement of new rights.
- **Earnings** of people working through platforms might increase. The regulation would allow people working through platforms to negotiate the level of earnings more effectively. Also people would be able to **work more hours** on the platform because their accounts would not be automatically suspended or deactivated. This also means higher earnings for workers.
- People working through platforms would be better **protected against unfair dismissal or suspension of accounts.**
- Platforms would be discontent with having to reveal what they consider their **commercial** secrets and competition might be affected.

Cross-border transparency

Platforms and employer representatives

In general, the views of both online platforms and employer representatives with regard to increasing cross border transparency are diverse.

Reflection on policy options

- Online platforms supported EU action in creating the **system for verified freelancers.** According to interviewees, currently it is hard to ensure all freelancers applying to the platform are legal, which discourages platforms from entering markets in other MS. This could be prevented by controlling the payments.
- In order to save time and resources, online platforms support the idea of **automatised reporting** to transfer information on people working through platforms. They encourage the EU to create the API as the register system would require time to implement it and transition to reporting.
- Employer representatives advocate for transparency but stress that it should not imply too much **bureaucratic burdens,** especially for smaller platforms.

Therefore, they suggest to apply **SME definition**, which would imply that only large platforms need to register.

- Some platforms also stressed that reporting is only relevant for platforms, **which do not employ their workers** (as those who employ already report everything to national authorities).
- Further, employer organisations **believe guidance regarding existing legislation** could be elaborated on the implications of cross-border platform work. For example, according to them, it could be useful to have guidance on how the existing EU rules, in particular on social security coordination for the self-employed, apply in the case of those using platforms to provide services to clients in other EU MS, or to the self-employed people who want to move to another EU MS to provide services from there.
- Some employer organisations spoke against additional registration obligation, arguing that platforms are registered as any other enterprise. Instead, they advocated for **EU** (rather than MS), **level register** in order to prevent further fragmentation and an unnecessary multiplication of tasks.
- In the opinion of some employers' representatives, the most appropriate action would be to **adopt non-binding guidelines** regarding possible MS actions to introduce information requirements or registers of platforms, adjusted to the actual situation in each MS. Such measures must be identified and chosen carefully by the MS in order not to turn against their purpose and block the activity of the platforms or discourage them by making their functioning very onerous.

Reflections on impacts

- Some platforms believed that providing information **would not result in significant additional costs** as it is collected either way.
- Nevertheless, some of them claimed that information **should not be provided too often** (as it would then create higher **compliance costs**), rather, for example, once per year.
- Other platforms considered details related to earnings or clients very **sensitive**, and worried that disclosing this information may cause migration of people working through platforms from one platform to another.
- Further, they consider reporting requirements to be **costly**²⁰⁸ since 1) some platforms have a lot of people just signing up but **not conducting** any work, 2) they already have to deal with **enormous amount of regulation**, 3) it would require **revise** the terms and conditions, as well as 4) address the question of **GDPR**.
- Employer organisations believed additional registration requirements would entail costs that will **reduce the actual earnings** of people working through platforms and **reduce work autonomy and flexibility**.

²⁰⁸ One of the online platforms interviewed estimates it could cost EUR 10,000.

- Moreover, they worried that platforms may become **less attractive** for consumers due to possible cost increases and face competition from platforms outside the EU which may not be affected by the regulations.
- According to employer representative, the **costs (both financial and social) may outweigh the benefits**. In particular, there may be a reduction in the number of people working through platforms and a reduction in supplementary income opportunities for those who treat such work as occasional or temporary.
- Reduced platform activity and higher costs of their operations could lead to **lower public taxes**, which may reduce state revenue.

Trade unions and representatives of people working through platforms

Reflection on policy options

- In general, trade unions and organisations of people working through platforms are in favour of increasing cross-border transparency.
- Some of trade unions interviewed, however, suggest considering **to oblige platforms to have their representative in each MS**. This regulation could provide that if there is no platform representative in a MS, such a platform could not use work of a worker from this MS. According to trade unions, this would help, although they hardly imagine a solely EU-level regulation addressing online labour platforms where work is performed solely virtually.
- Due to significant differences between national legislations, transparency in the area of labour market legislation through multilingual platforms should be increased in the first stage, then followed by advanced European integration in this area.

Reflections on impacts

- Interviewees within this group believed that increasing cross-border transparency could help to create **more decent working conditions**. This mechanism would help to expose the platforms which are underpaying their workers or not registering the service providers, as well as to reduce the grey economy and informal employment.
- Further, shared guidelines, according to trade unions and organisations of people working through platforms would **prevent social dumping**.
- Organisations also believed it could help to **assess the scale of platform work**, learn what people work through platforms, as well as to communicate with social partners and improve legislation.
- Interviewees also think increasing cross-border transparency could **benefit public budgets** as it would bring more clarity with regard to the taxation. As a result, transparency would help to **collect more taxes**.

- Furthermore, some of the trade unions and organisations of people working through platforms expect that regulatory action would lead to **more responsible data management and privacy**.
- Increasing cross border transparency is also considered to help people working through platforms to **self-organise**.
- In case there is no further EU action, people would continue to not report their earnings (and avoid taxes), as well as fail to pay contributions. According to trade unions and organisations of people working through platforms, this leads to **poor social protections and unpredictable future**.

Representatives of national authorities

Reflection on policy options

- Overall, majority of interviewed representatives of public authorities **supported increasing cross-border transparency**. Some of them argue that labour inspectorates in the different EU MS currently work quite differently, have different set of competences, therefore, some guidelines on the transnational rules applicable regarding social security and taxation **would benefit all actors involved**.
- However, having in mind the great uncertainty regarding the applicable law, it would be most useful to adopt **operational guidelines** regarding jurisdictional issues, based on the existing instruments (Rome I Regulation and Brussels I Regulation).
- Moreover, the option which suggests that publication requirements could be limited to platforms above a certain size, according to public authorities, would create **incentives to a workaround**; platforms would look for such forms of their business operation which would circumvent this threshold.
- Some public authorities also claimed that creating a centralised register at the EU level **would not be a feasible option**. In the first place, it would require creating such registers in every EU MS and then each EU MS would need to communicate it to the EU. The practical challenges would relate also to the pace of development of platform companies, and the need to coordinate and continuously update the register.
- Some of them made reference to the regulation of the temporary work agencies, and the Directive 2008/104/EC. This Directive explicitly states that its provisions are without prejudice to national requirements with regard to registration, licensing, certification, financial guarantees or monitoring of temporary-work agencies (Art. 4 para 4). They stressed there is a great diversification and fragmentation of the mechanisms in various MS, and the scale of temporary agency work is much bigger than the one of platform work. Thus, a **further-reaching regulation of platforms than temporary work agencies (TWAs) would not be understandable** from a systemic point of view, and **would lead to different treatment of platform businesses and TWAs**. Some interviewees argued that it would be more desirable to intervene in the ambit of TWAs (specify the registration requirements in that regard) in the first place.

Reflections on impacts

- Increasing cross-border transparency could help to see **differences in pay and social security between different countries**, according to the public authorities interviewed.
- Further, some of them believe that both people working through platforms and digital labour platforms, as well as control bodies would benefit from **more clarity on jurisdictional issues**.
- Public authorities mentioned that increasing cross-border transparency would help platforms to **avoid unfair competition** between those complying with existing EU rules, and those which are not.
- However, they did not deny that registration **requirements would create costs related to implementation and enforcement** (both at the national and EU level).
- The latter could also **cause increase in cost of services for consumers**.

Experts and academics

Reflection on policy options

- Experts agreed that some kind of provision of information by platforms would be **useful**. According to them, currently, it is hard to estimate how many people work through these platforms, for how long, what are their earnings.
- However, some of them believe that cross-border issues overall is **not a very urgent problem** as many platforms have local subsidiaries.
- Furthermore, some respondents from academia doubted if increasing transparency with regard to cross-border issues **has any significant benefits**, as well as if it would work in practice. They highlighted that the number of people working through platforms is **constantly in flux** and platforms **may not be willing** to share such information.

Reflections on impacts

- Based on the example of Romanian Tax Reform (when taxes for employed and self-employed were equalised), experts mentioned that increasing cross-border transparency would have **positive budgetary implications and increase the number of people considered employees**²⁰⁹.
- Further, according to the experts, platforms tend to outsource some labour outside the labour market of the EU, therefore, increasing cross-border transparency could help them **to economise on costs**.

²⁰⁹ In Romania, around 2 million people received a status of an employee.

Annex 3. Practical implications of the preferred option for businesses, public administrations and groups directly affected

The preferred policy package consists of the following elements:

Employment status/ Policy Area A	<ul style="list-style-type: none"> • Rebuttable presumption applied to platforms that exercise a certain degree of control (option A3b), combined with: • Certification procedure and clarification of factors that should not be considered as indicating the existence of an employment relationship; shift in the burden of proof (option A2)
Algorithmic management/ Policy Area B	<ul style="list-style-type: none"> • Transparency, consultation, human oversight and redress for both employed and self-employed people working through platforms (option B2b)
Cross-border transparency/ Policy Area C	<ul style="list-style-type: none"> • Publication requirement for platforms (option C2)
Accompanying measures	<ul style="list-style-type: none"> • Enforcement provisions (as part of a legislative instrument) • Invitation to Member States to provide advice and guidance, to encourage social dialogue, and to establish ombudsman institutions (as part of a non-binding instrument)

1. Impacts on platforms

The preferred option under **Policy Area A** – that of **rebuttable presumption** – will be limited to those digital labour platforms that exercise a certain degree of control over the people who work through them, and over the work such people perform. This is likely to affect specific types of platforms more than others:

- Low-skill, on-location services, known as ‘app work’, will be most affected, as platforms concerned with such work tend to exercise the highest levels of control over their workers
- Certain types of online services, such as online micro-tasking, could also fall under the scope.
- Genuine labour marketplaces, mostly for high-skill online and on-location services, will be outside the scope of this option.
- Other platforms for both high-skilled and low-skilled online work might be affected, as some of these do not operate as pure marketplaces, and do exert notable levels of control over workers, or operate in a similar way to temporary work agencies (TWAs).

Platforms are likely to seek legal certainty before legal disputes arise. They will be obliged to choose and implement a business model, either in the direction of providing an employment contract, or of minimising the level of control to ensure genuine self-employment, or a hybrid model. The following actions can then be expected from the affected platforms, each of which relates to different costs:

- Platforms will aim to certify the self-employment status of the people working through them, through a certification procedure, resulting in non-substantial additional administrative burden. Those platforms that cannot prove that the

people working through them are self-employed are likely to take one of the following paths, which will result in higher costs.

- A considerable share of *on-location* platforms will adapt their business model to employ the people who work through them, either employing them directly themselves or through temporary employment agencies. While some of these platforms will be incentivised by the signalling effect of these options, others will reclassify after losing court cases. A limited number of *online* platforms is likely to reclassify the people working through them – notably where the tasks concerned require knowledge of local languages or access to local businesses, and are therefore difficult to move outside the EU. Some large on-location and online platforms will implement a dual strategy, employing workers themselves and through temporary employment agencies and service contracts, in various combinations. The costs for platforms will relate not only to the one-off expenses of changing the platform's business model, but also increased recurrent wage and non-wage expenses.
- *On-location* platforms will quit less profitable markets, at local (i.e. town, city, region) or national level. A number of *online* platforms aiming to avoid litigation and fines, or for whom employment is likely to undermine their business models, will either go out of business or leave the EU markets. This may cause indirect costs of reduced competition and innovation.
- A smaller number of *on-location*, and larger number of *online* platforms, will change their T&Cs in such a way that their relationship with the people working through them meets the criteria for genuine self-employment: by approximating the pure marketplace model, or by making sure that platform cannot be considered the primary source of work-related income. This will incur one-off compliance costs.

Under the preferred policy options from **Policy Areas B and C**, all types of platforms will face a slightly increased administrative burden due to the new obligations relating to reporting and algorithmic transparency, consultation, human oversight and redress, as well as the one-off compliance costs of implementing the new structures and functionalities.

2. Impacts on people working through platforms

The preferred combination of options for **Policy Area A** will result in people who work through platforms falling into one of several possible groups.

- Reclassified workers, who currently engage in the most precarious work through platforms, will gain more stable earnings, paid leave, better social insurance coverage, compensation for standby periods, and better health and safety conditions at work. Some of them may, however, lose some flexibility compared with independent contractor status.
- Working conditions should also improve, in terms of autonomy and flexibility, for people working through platforms that ensure genuine self-employment in their relationships with the workforce.
- Platforms optimising their workforce under the new business models and/or leaving the EU or specific markets reduce opportunities for part-time self-employment for people working through platforms, and increase competition between those people in the EU who work through platforms.
- Those EU-based online freelancers who are reclassified could face a decrease in demand for their services, due to increased costs and administrative burden for their customers.

As a result of the preferred options from **Policy Area B**, both reclassified platform workers and those people working through platforms who are genuinely self-employed, will have increased rights in terms of algorithmic transparency, consultation, human oversight and redress. These rights would grant them the opportunity to maintain better control of the way in which their data is used and to challenge decisions that are taken on this basis, as well as improve collective rights and strengthen social dialogue. As an indirect effect of these developments, further improvement in the working conditions of people working through platforms. This will be the result of platforms opening their algorithms up to external scrutiny, as well as their enhanced responsibility for the people working through them.

This impact will be further strengthened by the preferred option of **Policy Area C**, which will indirectly improve working conditions as a result of enhanced oversight of platform work, better policy making and greater transparency regarding the numbers of people working through platforms and their working conditions.

3. Impacts on consumers

Impacts on consumers mostly relate to the preferred option under **Policy Area A**.

- Reclassification may **increase the prices for consumers** of on-location services by up to 40%, depending on the extent of reclassification and other revenue sources available for platforms, with the most realistic estimate being 24%.
- The availability/supply of services provided by platforms is likely to decrease as platforms exit specific markets and fewer workers provide such services at the same time or during peak periods.
- The effects on the quality of services will be mixed, but mostly positive. On the one hand, platforms will be in charge of worker training and ensuring the quality of services. On the other hand, especially in the segment of on-location services, lower availability of services may contribute to longer waiting times.

Impacts on public authorities

- Implementation of the preferred options under **all policy areas** will introduce enforcement costs for national governments and authorities, as the public sector will have to introduce new procedures and/or change current procedures in order to apply and implement these measures.
- The preferred option under **Policy Area A** is likely to have budgetary implications in terms of extra income that could be collected in the case of reclassification, given that the level of taxation applicable to employees is higher than that which applies to self-employed independent contractors.
- Due to the new reporting requirements for platforms under the preferred option for **Policy Area C**, the public sector will have better access to information about platform work. This will facilitate the work of labour inspectorates, social security institutions and tax authorities to enforce rules – including those regarding employment status – and to collect contributions and taxes.

Other general impacts

- Ambiguous effect on GDP. A negative effect on GDP is possible, due to reduced consumption, lower levels of business investment, and the outsourcing of online platform work to third countries. A positive, countervailing effect could be expected as some people working through platforms will earn higher income, and are thus likely to consume more. Any additional taxes collected would increase public budgets, which could lead to greater government expenditure, resulting in a positive impact on GDP.
- The reclassification of people working through platforms who are currently not genuinely self-employed will effectively bring them within the scope of employee social protection, and could broaden the tax and social contribution base in at least some Member States. This, in turn, should help to adjust social protection systems to the changing economy and the world of work, improving their adequacy, sustainability and resilience in the long term.
- A number of studies have shown the detrimental impact on the environment caused by the activities of ride-hailing platforms, as these replace the services of public transport, bikes and walking, as well as generating significantly higher CO₂ emissions than trips using private cars, due to 'deadheading'²¹⁰ and lower vehicle occupancy. The transformation of platform business models into the employment of workers (also resulting in paid standby periods and pay per time worked rather than per task) would incentivise platforms to optimise trips in a way that is also beneficial to the environment.
- By clarifying the obligations of digital labour platforms in the EU, the policy options under consideration contribute to fostering a transparent, rules-based digital single market, underpinned by a level playing field for all businesses and strong social rights for the people working within it. This has implications for the EU's international partners, as it strengthens the Union's values-based approach to the digital transition.

²¹⁰ Distances travelled without passengers.

Table 2. Overview of benefits (total of all policy options and accompanying measures)

Overview of benefits (total of all policy options and accompanying measures)		
Stakeholder	Description	Amount
People working through platforms (employed and self-employed)	Better working conditions and improved social security for people <i>reclassified</i> as employees (combination of Policy Options A2, A3b and B2b)	<p>Policy Option A3b is likely to contribute to the reclassification of around 1.7-4.1 million people, for whom the benefits will be:</p> <ul style="list-style-type: none"> - More stable and predictable income - Longer and more stable working hours - Compensation for standby working time - Paid leave - Fuller access to social security - Better opportunities for collective bargaining - Better health and safety conditions for reclassified on-location workers (especially delivery riders and ride-hailing drivers) <p>Of those who would be reclassified (in the upper-bound scenario), 27% would experience a rise in their income if they earned at least the minimum wage after reclassification. This results in a total increase of between EUR 203 million and 484 million for all people working through platforms in EU-27, or an average increase per person of EUR 121.07 per year. The latter increase would vary from 0 for those workers who already earn minimum wage or more, to a maximum of EUR 1,800 per year for those who earn less than minimum wage and work an average number of hours.</p> <p>In addition to gains from increased earnings, reclassified workers would also benefit from access to paid leave, valued at an average annual gain of EUR 178 per worker, or between EUR 349 million and EUR 830 million for all reclassified workers across the EU combined (assuming they continue working the same number of hours as they had prior to reclassification).</p> <p>Compensation for the costs of materials to protect against COVID-19, currently borne by on-location workers, could reach between EUR 42 million and EUR 121 million per year. In addition, reclassified delivery workers would receive a one-off benefit in terms of a high-visibility vest and helmet, valued at a total of EUR 73.2 million.</p> <p>Health and safety benefits include: a reduction in injuries and fatalities among traffic participants, due to decreased incentives for risky behaviour in traffic; wider use of safety gear, as this would be provided by platforms; and safety training provided by platforms.</p> <p>Policy Option B2b will strengthen the effect of Policy Option A3b and contribute to the improvement of the working conditions of people working through platforms:</p> <ul style="list-style-type: none"> - Workers will be better aware of how algorithmically made decisions impact their working conditions (for example, in the allocation of work), and will be able to use a set of tools and procedures to challenge decisions that are not acceptable to them. - Platforms will design algorithms that take into consideration the position of workers, in response to consultation processes or as a result of complaints-handling mechanisms.

Overview of benefits (total of all policy options and accompanying measures)		
Stakeholder	Description	Amount
	Better working conditions and improved social security for the <i>self-employed</i> working through platforms (combination of Policy Options A2, A3b, B2b)	<p>As an effect of Policy Option A3b, up to 3.78 million people who are currently at risk of being misclassified, are likely to become genuinely self-employed.</p> <p>While the genuinely self-employed will benefit due to increased flexibility and autonomy of work, their working conditions will also improve as an effect of Policy Option A2, which introduces a clause stating that insurance, social benefits and training measures voluntarily provided or paid for by the platforms should not be considered as indicating the existence of an employment relationship. It is likely that between 1.5 and 2.47 million people who currently work in low-skill, on-location jobs as their main or secondary activity, could see their working conditions and social security improve due to benefits provided by the platforms.</p> <p>Policy Option B2b will strengthen the beneficial effect of Policy Options A3b and A2 on working conditions:</p> <ul style="list-style-type: none"> - Self-employed persons working through platforms will be better aware of how algorithmically made decisions impact their working conditions (for example, in the allocation of work, determination of pay rates), and will be able to use a set of tools and procedures to challenge decisions that are not acceptable to them. - Platforms will design algorithms that take into consideration the position of people working through platforms, in response to consultation processes or as a result of the complaints-handling mechanisms.
	Improved transparency, information and consultation rights (Policy Option B2b)	As an effect of Policy Option B2b , people working through platforms will be granted rights with regard to algorithmic transparency, consultation, human oversight and redress. This will apply to up to 28.3 million people currently working through platforms. These rights would grant people working through platforms the opportunity to better understand the criteria used for algorithmic management; control over how their data is used, and the ability to challenge decisions taken on this basis; as well as improving collective rights and strengthening social dialogue.
Digital labour platforms	Lower legal and compliance costs (combination of Policy Options A2 and A3b)	<p>Legal and non-compliance costs are likely to increase in the short to medium term, as Policy Option A2 (as well as Policy Option A3b) would make it easier and less costly for people working through platforms to challenge their legal status. However, such costs are likely to decrease in the medium to long term, as a combined effect of Policy Option A2 and Policy Option A3b. Policy Option A3b provides for a clear set of criteria concerning the definition of the control exercised by digital platforms over people working through them. The platforms will adapt to make sure that their business models take into account these criteria. As an effect of Policy Option A2, digital platforms will also have the option to go through a certification process, which will require them to engage with public authorities, discuss their business practices and adapt their business models accordingly.</p> <p>Significant savings are likely for platform companies, given that the increasing number of legal cases concerning misclassification in the EU since 2015, which have resulted in reclassification decisions in 65</p>

Overview of benefits (total of all policy options and accompanying measures)		
Stakeholder	Description	Amount
		out of the 103 court decision observed, incurring legal costs and fines for the on-location digital platforms concerned ranging from tens to hundreds of millions euros.
	Reputational and business gains through higher service quality and social responsibility (Policy Options A2, A3b, B2b and C2)	Better quality of service provided by on-location platforms, due to better supervision of service delivery, training for people working through platforms, and improved working conditions.
Traditional businesses competing with platforms	Level playing field with other platforms and traditional companies in the same sectors (Policy Options A2 and A3b)	Removal of the unfair competitive advantage of platforms that rely on bogus self-employment, compared with those companies that currently employ their workers.
Consumers	Improved quality of services provided by platforms	Better quality of service provided by on-location platforms, due to better supervision of service delivery, training for people working through platforms, and improved working conditions.
Public sector	Increased income from tax and social security contributions (A)	From on-location platforms: EUR 0.93 billion to EUR 2.64 billion per year. From online platforms: EUR 0.74 billion to EUR 1.33 billion per year.
	Better implementation and enforcement of labour market policies and platform regulation (combination of Policy Options A2, A3b, B2b, C)	The certification procedure under Policy Option A2 will allow the public sector to clearly define the criteria for differentiating between the business models used by platforms, and to cooperate with platforms and other stakeholders to facilitate change towards business models that benefit the people who work through platforms, as well as the broader business environment. Policy Option B2b will create synergies, as it will provide better transparency with regard to algorithmic management, which underpins platform business models. Policy Option A3b will provide greater clarity to authorities concerning the criteria used to assess the extent of control that platforms exercise over the people who working through them. The rebuttable presumption will also provide authorities with instruments to bring potential cases of misclassification to court. Policy Option C2 will ensure the availability of data with regard to people working though platforms, which could be used for policy design, monitoring and implementation.

Table 2. Overview of costs

Overview of costs		
People working through platforms (employed and self-employed)	Loss of flexibility and autonomy for those people working through platforms who have been reclassified (Policy Options A2 and A3b)	Some loss of flexibility and autonomy for those people (between 1.72 and 4.1 million people) who are currently working through platforms are at risk of misclassification, and who will obtain the status of an employee after the policy options are implemented.
	Lower availability of work through platforms and lower income for the self-employed (Policy Options A2 and A3b)	<p>According to the platforms: reduced market access and fewer work opportunities for 41-80% of people currently working through delivery and ride-hailing platforms.</p> <p>Potentially increased price competition from self-employed people, who could set their own prices.</p> <p>Fewer EU citizens will provide services via online platforms because they could not compete on price with self-employed non-EU freelancers.</p>
Digital labour platforms	Increased legal and compliance costs (Policy Options A2 and A3b)	Currently, legal and non-compliance costs for on-location platforms range from tens to hundreds of millions of euros. Since Policy Option A2 (as well as Policy Option A3b) would make it easier and less costly for people working through platforms to challenge their legal status, the legal and non-compliance costs are likely to become even higher in the short to medium term. Nevertheless, they are expected to decrease below the baseline in the long run.
	Administrative costs (Policy Options A2, A3b, B2b, C2)	<p>Administrative costs of hiring employees (recruitment, contractual arrangements, shift allocations, etc.) are not considered likely to change drastically, given that platforms already recruit and contract people as independent contractors. Furthermore, these processes are largely automated.</p> <p>Legal research to adapt to the changing employment rules in different Member States: one-off combined cost of legal research of at least EUR 557,000, plus recurring costs of at least EUR 712.50 for legal research per expansion to a new country, plus the cost of adapting to the new legal rules.</p> <p>The cost of providing greater algorithmic transparency to people who work through platforms and of establishing an internal complaints-handling system could vary greatly, depending on precise transparency requirements and what complaints-handling systems the platforms have in place already. The recurring cost per consultation with workers' representatives is estimated at EUR 67.36 for each platform (assuming one manager attends one two-hour consultation), or EUR 34,758 for all platforms combined per one consultation, plus the recurring cost of maintaining redress mechanisms and the recurring cost of providing risk assessments.</p> <p>Establishing a communication channel for people who work through platforms: one-off cost of between EUR 6,000 and EUR 35,700 per platform, or between EUR 3.1 and EUR 18.4 million for all platforms combined. Recurring cost to maintain the communication channel: EUR 1,500-8,925 per platform per year, or EUR 774,000-4.6 million for all platforms per year.</p>

Overview of costs		
		<p>Providing information on the platform's website regarding the number of people who work via the platform, and their employment status:</p> <p>One-off cost per platform: EUR 92.28 Combined one-off cost for all on-location platforms: EUR 30,360 Combined one-off cost for online platforms: EUR 17,256. Recurring annual cost of updates per platform: between EUR 0 (if data are automatically linked to the tool) and EUR 185 (if manual updates are required). Combined cost of updates for all on-location platforms: between EUR 0 and EUR 60,720. Combined cost of updates for all online platforms: between EUR 0 and EUR 34,512.</p>
	Costs to platforms due to rise in wages for people earning less than minimum wage, and social security contributions paid by employers	Annual costs relating to reclassification: EUR 1.87 billion to EUR 4.46 billion.
	Ambivalent effect on revenue growth	In some relevant cases (i.e. Uber in Geneva, following a court decision to reclassify workers), a drop in orders was reported following reclassification. In others (i.e. Hilfr in Denmark, following the collective agreement with 3F), an increase in revenues was observed.
Traditional businesses	Loss of revenue	Based on the case of Spain, between 0.16% and 1.0% of restaurant revenue lost.
Consumers	Reduced availability and potentially higher prices of platform services	<p>Reduced availability of services (especially on-location), as on-location platforms may cease operations in smaller cities.</p> <p>Higher service prices from 0 to 40%, with 24% as the realistic scenario.</p>
Public sector	Administrative costs (Policy Options A2, A3b, B2b, C2)	<p>The number of court cases concerning misclassification will be higher than the baseline in the short to medium term; this number will then decrease (A2 and A3b).</p> <p>Additional resources will be needed in order to carry out and conclude the increased number of inspections; however, these costs are not considered significant in relation to overall public spending on labour market supervision.</p> <p>Costs of setting up and implementing the process of certification (A2). Once the procedure and precedent have been established, the number of requests is expected to range from five to 50 per country, per year.</p> <p>Cost to public sector of overseeing how the platforms implement transparency, consultation, human oversight and redress are not considered significant in relation to overall public spending on market regulation and monitoring (B2b).</p> <p>Cost to public sector of monitoring whether platforms publish the requested information, as well as enforcing the publication requirement if platforms do not comply (C2).</p>

Annex 4. Analytical methods

This annex describes the analytical methods used in the impact assessment.

1. Estimation of the numbers of people working through platforms

Estimation of the numbers of people across the EU who work through platforms was complicated by the fact that, unlike certain other types of non-standard work, no comparable statistics covering all Member States exist at EU level with regard to the number of people engaged in this type of labour activity in the context of the COVID-19 pandemic. The relevant indicators are not measured in EU-wide Eurostat surveys, nor are they collected by national statistics offices using comparable methodologies. Therefore, a combination of sources (and assumptions regarding similarities between the countries covered and not covered by the surveys) was applied in order to estimate the shares of people in different types of platform work.

To begin with, the **2021 survey of people working through platforms** carried out for this study served as the basis for estimating rates of prevalence. This survey provided more recent data to complement earlier surveys such as COLLEEM 2017 and COLLEEM 2018. It indicated that a notable growth had taken place in platform work in the context of the COVID-19 pandemic. The findings of the 2021 survey also indicate that a large share of people who worked through platforms between December 2020 and May 2021 began these activities during the period 2019-2021 (57.7%). If the COLLEEM figures are viewed in the light of this new information (assuming that some people who worked back then have ceased their activities, and many new ones have started), the six-month prevalence rates who have worked over platforms during the preceding six months covered by the 2021 survey appear reasonable.

The country selection for the survey followed a specific methodology, showing that the survey countries represent, on several indicators, broader regions/clusters of countries that are similar in terms of selection criteria (geography, use of the internet, use of platforms, labour market indicators). Due to the use of a quota sampling design and the application of weights, the survey sample in the selected countries technically represents 201 million daily internet users in the EU-27 (out of a total of 265 million daily internet users). Based on this, it was assumed that **the prevalence rate in the countries surveyed approximates to the overall prevalence rate across EU-27.**

While the survey provided data on **how many people worked through platforms at least once during a six-month period**, this definition was too broad to consider the numbers of people who might be affected by the initiative. As in the COLLEEM analysis,²¹¹ data regarding the frequency, hours and income generated from platform work was used to narrow this definition and to categorise the intensity of platform work activities (also see the table below):

²¹¹ Brancati, U., Pesole, A. & Fernández-Macias, E. (2020). New evidence on platform workers in Europe. Results from the second COLLEEM survey; p 15.

- Those who had last provided labour services via platforms more than a month²¹² before the survey (indicating that they had been working through platforms less than once a month) were classified as people in **sporadic** platform work. This category was not included in most of the analysis.
- Those who had worked through platforms during the month prior to the survey, but who had spent less than 10 hours a week working via platforms and got less than 25%²¹³ of their income from platform work, were classified as people in **marginal** platform work.
- Those who had worked through platforms in the month prior to the survey, and who spent between 10 and 19 hours per week or received between 25% and 50% of their income from platform work, were classified as people in **secondary** platform work. As in COLLEEM, this category includes those people working through platforms who provided inconsistent information in terms of income and hours: those who reported spending more than 20 hours a week doing platform work, but said they received less than 25% of their personal income via platforms; and those who said they received more than 50% of their income via platforms but reported spending less than 10 hours a week on platform work.
- Those who reported providing labour services via platforms during the previous month, and who had worked through platforms for at least 20 hours a week or received at least 50% of their income (excluding the cases mentioned above) were classified as people in **main** platform work.

Table 3. Classification of platform work by time and income

	Less than 10 hours a week	Between 10 and 19 hours a week	More than 20 hours a week	No answer
Less than 25% of monthly income	Marginal	Secondary	Secondary	Marginal
25-50% of monthly income	Secondary	Secondary	Main	Secondary
More than 50% of monthly income	Secondary	Main	Main	Main
No answer	Marginal	Secondary	Main	N/A

Source: Brancati, U., Pesole, A., & Fernández-Macías, E. (2020).

The prevalence of each category of platform work was estimated using the weighted survey dataset, and was multiplied by the number of people aged 16-74²¹⁴ and the share of daily internet users²¹⁵ in the EU-27 to estimate the maximum number of people potentially affected by the initiative. In total, **28.3 million people in EU-27 worked via platforms more than sporadically** between December 2020 and May 2021.

It is important to note that these estimates are upper-bound figures based on triangulation with available administrative data. For example, during Q2 2020, there were 141,000 micro-entrepreneurs in France registered as working in the transport and

²¹² According to Q7 of the 2021 survey.

²¹³ Q11 and Q51 of the 2021 survey.

²¹⁴ 331,313,088, which was estimated using the Eurostat table DEMO_PJAN.

²¹⁵ As this was the target population of the survey; Eurostat [isoc_ci_ifp_fu]

delivery sectors.²¹⁶ The equivalent figure based on PPMI 2021 survey data stands at 505,000 people. While the survey is likely to over-estimate the number of people generating income through platforms, the figure based on administrative data is likely to be an underestimate. The true number may be higher, because the figure does not take into account those who are employed by platforms, or who work through platforms without registering with public authorities. Furthermore, the delivery sector has grown substantially during the pandemic. This growth is captured by data reported in the survey, given that it was collected in 2021, but is missing from the administrative data. Finally, the practice of renting one's account to a number of third-country nationals is prevalent in ride-hailing and delivery work, which would again increase the true number of people working through these platforms.²¹⁷

The prevalence of online platform work might also be overestimated due to the fact that the survey was carried out online. Triangulation with other sources of information is not possible, because other surveys regarding this type of work have also been carried out online, and no administrative data exists to compare the results.

2. Number of people at risk of misclassification

Another major issue of data availability concerns the more specific question of the **extent to which the employment status of people working through platforms is misclassified**. Several aspects contribute to this. First, determining the employment status of people working through platforms is, in general, a complicated question, which – as many cases identified in the Member States show – is brought to the courts in individual cases. Therefore, the actual extent of misclassification is very difficult to estimate. Data on misclassification exists neither at EU level, nor consistently at national level. Moreover, no unified criteria for determining employment status exists across the EU. Individual Member States may regard people in identical employment situations differently in terms of their employment status. Therefore, determining the possible extent of misclassification from a self-administered online survey, relying on self-reporting by respondents, may not produce the most reliable information even if a large number of indicators is considered. The impact assessment therefore applied an approach to use a number of indicators in the survey to narrow down the numbers of people who are *at risk of misclassification*:

- To begin with, these are people who **work through platforms more than sporadically** (including both paid and unpaid working time).²¹⁸ This figure is then broken down according to the narrower categories of workers listed above, upon whom the policy options may have different impacts.
- Furthermore, some sectors (or **types of work**) in the labour platform economy are more likely to face the issues of misclassification than others. This especially concerns low-skill, on-location work (more specifically, so-called '*app work*'²¹⁹), such as ride-hailing and delivery services. The estimated number of people in these sectors is around 2.1 million in the EU-27. However, the various policy

²¹⁶ The figure relates to those administratively active. Urssaf (2021). Auto-entrepreneurs, par secteur d'activité. [Available here](#).

²¹⁷ Alderman, Liz (2019). Food-Delivery Couriers Exploit Desperate Migrants in France. The New York Times. [Available here](#).

²¹⁸ This threshold allows us to avoid inflating the numbers of people actually working through platforms, which, as explained above, tends to be overestimated in one-off, online surveys.

²¹⁹ Duggan, J., Sherman, U., Carbery, R. & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*, 30(1), 114-132.

options considered may affect different types of platform work, so the table below (and the following tables) lists estimations for each.

Table 4. Estimated numbers of people in the in EU-27 working through platforms, by type and intensity of work

	Main	Secondary	Marginal	Total
Low-skill on-location	1,043,000	1,993,000	1,148,000	4,184,000
...of these transportation or delivery	768,000	1,370,000	639,000	2,777,000
High-skill on-location	471,000	1,058,000	311,000	1,840,000
Low-skill online	1,810,000	4,563,000	3,380,000	9,753,000
High-skill online	3,762,000	6,492,000	2,257,000	12,511,000
Total	7,086,000	14,106,000	7,096,000	28,288,000

Source: estimations based on 2021 survey.

- Although, as mentioned above, various Member States define the criteria for an employment relationship in different ways, some of the principal indicators aimed at determining **subordination** are mostly consistent (e.g. autonomy, or lack thereof, in choosing tasks/ projects, timeframes and setting costs, etc.). At the same time, however, these are difficult to capture, particularly through survey self-reports. Two indicators from the survey were therefore used as proxies to determine the groups of people among whom relationships of subordination are most likely: situations in which platforms set working schedules or minimum work periods;²²⁰ and not being able to set one's own price rates.²²¹ It was also assumed, based on observed business practices, that the pay rates for all people who work through transportation and delivery platforms were set by the platforms. Estimates of the size of this group, based on the 2021 survey data, are presented by type and intensity of platform work in the table below.

Table 5. Estimated numbers of people in the EU-27 working through platforms, who cannot set their schedules and pay rates, by type and intensity of work

	Main	Secondary & Marginal	Total
Low-skill on-location	764,000	1,244,000	2,008,000
...of these transportation or delivery	574,000	967,000	1,541,000
High-skill on-location	***	280,000*	339,000*
Low-skill online	402,000	847,000	1,249,000
High-skill online	497,000	1,414,000	1,911,000
Total	1,723,000	3,785,000	5,508,000

Source: estimations based on 2021 survey. *Estimates are based on a small sample size. ***Sample size is too small to display values.

²²⁰ Q15 'Do the following statements apply to your overall experience of working via the platform [indicated in Q6]?', option 'The platform set my working schedules and/or minimum work periods' selected as 'Yes'.

²²¹ Q15 'Do the following statements apply to your overall experience of working via the platform [indicated in Q6]?', option 'I could set the prices for my work/ services provided via the platform' selected as 'No'.

It is important to note that the criteria listed above, and the resulting figures, denote groups of people in various modes of platform work within which **misclassification is more likely**. In other words, not all people who fall within these groups may be misclassified, because this depends both on national legislation and the actual circumstances of specific employees. Nevertheless, these criteria are a useful proxy for estimating the possible upper limit of the numbers of people at risk of misclassification.

3. Baseline projections

Baseline projections on the growth of the platform economy, as well as the numbers of platforms and of people working through platforms, were based on the available data, including observations from two or more points in time:

- Data on the numbers of active online and on-location platforms in the EU covering the period 2003-2020, coming from the database of the project 'Digital Labour Platforms in the EU: Mapping and business models'.
- Data on the size of the digital labour platform economy, covering the period 2016-2020, from the database of the project 'Digital Labour Platforms in the EU: Mapping and business models'.
- Administrative tax data on micro-entrepreneurs in the transport sector in France in the period 2015-2020, and on ride-hailing service providers in Lithuania between 2016 and 2020 (because reliable data was only available for the transportation sector, the projections for on-location platforms and people working through them were limited to this sector).
- Data on the supply of labour to online platforms by EU-27 workers in the period 2017-2021, from the Online Labour Index.²²²
- Estimates of the numbers of people engaging in platform work at various frequencies/intensities, based on the COLLEEM I (2017), COLLEEM II (2018) and 2021 survey conducted for this impact assessment. The detailed methodology of these estimates is provided in the previous section of this annex.

For the projections regarding the numbers of people working through platforms, linear equations were applied using the Trendlines function in Microsoft Excel. The assumptions behind this decision were based on the observable trends of globalisation, digitalisation and labour market transformation that have so far driven the expansion of platform work, and are expected to continue.

These projections align with those produced for the impact assessment of the upcoming initiative on collective representation for the self-employed. However, they do differ slightly, in that the initiative on collective representation for the self-employed disregards people for whom platform work is a marginal activity, as defined above. They argue that these people would not engage in collective bargaining even if they had collective bargaining rights, hence their inclusion in an impact assessment might exaggerate the impacts of the initiative. Our scope, meanwhile, does include people who work through platforms in a marginal way, because they will fall under the scope of this initiative and are likely to experience its effects.

Meanwhile, projections regarding the growth of the number of platforms were modelled using polynomial equations, as they maximised the R^2 , and the resulting trend better reflects the slowdown in the proliferation of platforms observed over recent years.²²³

²²² Available [here](#).

²²³ The R^2 value ranges from 0 to 1, where 1 indicates perfect fit.

Overall, forecasting using trendlines has been used in the literature when historical data are available concerning the variable of interest, showing that such forecasts can produce reliable results in the short term.²²⁴ Nevertheless, it is important to note that the trendline approach is somewhat less reliable in the medium and long term.²²⁵ Taking this into account, as well as the number of years for which historical data are available, the forecasts regarding growth in the number of platforms are limited to 2030. It is important to note that forecasts are more reliable in the near future.

Number of people affected by each Policy Option for Policy Area A

The key problem that Policy Area A aims to address is the misclassification of certain people who working through platforms. Five directions are possible for those people working through platforms, as platforms react to the options available under the Policy Area A:

- People working through platforms who are reclassified as employees and employed by platforms or through temporary work agencies (TWAs).
- People whose work circumstances are already compatible with genuine self-employment, so people remain genuinely self-employed.
- People working through platforms may lose the opportunity to carry out such work.
- People working through platforms as self-employed who experience improvements in their working conditions or social security.
- People working through platforms who are unaffected, and continue working through platforms under the same model as they currently do so (employed, genuinely self-employed, or bogus self-employed).

The main factors determining which group a person working through platforms belongs to under the various policy options will depend on the type of work and existence of subordination to/control by the platform.

Due to the nature of the data that can be draw upon for this assessment, it is possible to estimate the following directions:

- People working through platforms are reclassified as employees and employed by platforms or through TWAs (Temporary Work Agencies).
- Other outcomes (including retaining current status, genuine self-employment, no longer working through platforms, better social security or working conditions in self-employment).
- Genuine self-employment. This overlaps partly with the previous category; the reason for this is that in certain cases the data allows us to anticipate which group

²²⁴ For example, please see: Razak, M. I. M., Omar, R., Ismail, M., Hamzah, A. S., & Hashim, M. A. (2013). Overview of Zakat Collection in Malaysia; Regional Analysis. *American International Journal of Contemporary Research*, 3(8), 140-148; Hu, Y.J., Chen, J., Zhong, W.S., Ling, T.Y., Jian, X.C., Lu, R.H., Thang, Z.G, & Tao, L. (2017). Trend analysis of betel nut-associated oral cancer and health burden in China. *The Chinese Journal of Dental Research* 20(2).

²²⁵ Chambers, J.C., Mullick, S.K. & Smith, D.D. (1971). How to Choose the Right Forecasting Technique. *Harvard Business Review*. Available [here](#).

of people are likely to become genuinely self-employed, but insufficient data are available to identify the direction of the remaining group(s). This direction might include genuine self-employment, as well as better social protection/working conditions or leaving platform work altogether.

a) Policy Option A1: non-binding guidance

The impacts of Policy Option A1 in terms of the numbers of people reclassified would be limited and, in the short term, would not differ from the baseline. In the longer term, the effect is likely to be higher than zero.

A number of previous EU initiatives have provided guidelines and recommendations whose implementation has already been monitored or evaluated. These include:

- Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed.²²⁶
- Council Recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market.²²⁷
- Council Recommendation of 22 April 2013 on establishing a Youth Guarantee.
- Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning.²²⁸
- EU Youth Strategy and the Council Recommendation of 20 November 2008 on the Mobility of Young Volunteers.²²⁹

The evaluations of these initiatives show that a certain number of Member States²³⁰ have implemented a specific measure or a set of measures suggested in the recommendation document. In some cases, the relevant measures already existed in national law before the recommendation was issued; in other cases, the measures were taken after the recommendation was adopted. The evaluations indicate that, given the non-mandatory nature of the policy instrument and many intertwining factors, causal links are difficult to establish. Nevertheless, changes tended to be most visible in those Member States that had previously lacked the measures suggested in the recommendation. In other words, it can be concluded that guidelines, interpretation and similar elements have a sensitising effect on stakeholders, especially in countries that had not previously implemented the suggested measures. It is very likely that after a recommendation is adopted, a number of Member States will use it as one of the sources for pursuing policy change.

²²⁶ European Commission (2020). Monitoring of the Council Recommendation on access to social protection for workers and the self-employed

²²⁷ European Commission (2019) Evaluation of the Council Recommendation on the integration of the long – term unemployed into the labour market. Report from the Commission to the Council. Brussels, 11.4.2019, COM(2019) 169 final

²²⁸ European Commission (2020) Study supporting the evaluation of the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning. Final Report.

²²⁹ European Commission (2016). Evaluation of the EU Youth Strategy and the Council Recommendation on the mobility of young volunteers across the EU

²³⁰ For example, '15 Member States have improved the quality of their measures encouraging registration with the Public Employment Services': European Commission (2019) Evaluation of the Council Recommendation on the integration of the long-term unemployed into the labour market. Report from the Commission to the Council. Brussels, 11.4.2019, COM(2019) 169 final; European Commission (2019), Evaluation of the Council Recommendation on the integration of the long-term unemployed into the labour market. Report from the Commission to the Council. Brussels, 11.4.2019, COM(2019) 169 final; 'Within the labour market (LM) area, validation arrangements were in place in 9 Member States in 2016... by 2018 this number increased to 18 Member States': European Commission (2020), Study supporting the evaluation of the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning, Final Report.

It can be expected that Policy Option A1 would highlight platform work as an issue area on the national policy agendas, **particularly in Member States** in which policy measures relating to platform work have not yet been considered, either by policy makers or by other actors. As of early 2021, such countries included Bulgaria, Czechia, Cyprus, Latvia, Hungary, Poland and Slovakia. In those countries where discussions are already ongoing among policy makers or social partners, Policy Option A1 might provide more unified direction for different Member States.

In the longer term, the effect of Policy Option A1 is likely to be higher than zero due to the following reasons:

- People working through platforms may refer to the guidelines in their reclassification claims. A slight increase in litigation by people working through on-location platforms could therefore occur.
- Interview data show that digital labour platforms and policy makers from the Member States would welcome policy decisions aimed at introducing clarity with regard to the employment status of people working through platforms. Digital labour platforms would use the guidance to adjust their terms and conditions to ensure that people who work through them comply as far as possible with the criteria for being genuinely self-employed.
- Table 6 indicates that around 1.52 million people undertake high-skilled platform work in a non-sporadic way, for which the platforms set work schedules and pay rates. This puts this group of people at risk of being misclassified. Nevertheless, it is reasonable to assume that business models which draw on the highly skilled are easier to combine with the status of self-employment. It is therefore likely that guidance would be welcomed and used, both by platforms and by those people working through platforms who want to ensure their working relationship conforms to that of being genuinely self-employed.
- Some national or regional authorities may use the interpretation and guidance alongside examples from other Member States (such the Riders' Law in Spain) as sources for changing their policies in a direction which assumes that certain business models are incompatible with the status of self-employment. In the medium or long term, this will lead to a reclassification of a certain number of people working through platforms. This trend is most likely to affect the ride-hailing and food delivery sectors, due to high level of control exercised by the platforms. The extent of reclassification is impossible to estimate due the long causal chain and multiplicity of intertwining factors.

Table 6. Summary of the effects of Option A1 regarding the employment of people working through platforms

	Low-skill on location	High-skill on-location	Low-skill online	High-skill online
(i) Employed after reclassification	No change from baseline in the short term, above baseline in medium-to-long term			
(ii) Other outcomes (including retaining current status, genuine self-employment, no longer working through platforms, better social security or working conditions in self-employment)*	No change from baseline in the short term. In the longer term, the number of people at risk of misclassification is likely to decrease due to reclassification or genuine self-employment.			

	Low-skill on location	High-skill on-location	Low-skill online	High-skill online
<i>(iii) (within ii) People at risk of misclassification who become genuinely self-employed*</i>	People who are currently at risk of being misclassified will have their working arrangements revised and clarified so that they become clearly and genuinely self-employed. This will be pertinent to at least 2.25 million high-skilled online and on-location people working through platforms who are currently at risk of being misclassified.			

* More people within the 'Other' category may become genuinely self-employed, in addition to those indicated in line (iii); however, data is insufficient to make a more precise estimate.

b) Policy Option A2: Shifting of burden of proof, and measures to improve legal certainty

Policy Option A2 would introduce procedural facilitations, both for misclassified self-employed people working through platforms to challenge their employment status, and for digital labour platforms to ascertain the correct employment status for a given business model.

It is assumed that in response to Policy Option A2:

- Some on-location platforms (particularly in the ride-hailing and delivery sectors) will change to an employment model, employing workers either themselves or through TWAs.
- Some platforms will provide real autonomy to the self-employed, although this is a less viable option for many platforms with stronger algorithmic management, necessary for the efficient provision of services.
- Meanwhile, the clarification that certain benefits for workers provided by the platforms will not be used as indicators of an employment relationship is likely to improve the working conditions and social protection of the self-employed on platforms.
- Few on-location platforms under the pressure to reclassify their workers (e.g. after court rulings) will apply a dual model.
- A very small number of online platforms are likely to begin using (on-demand) employment contracts, most likely through TWAs. An example of this could be the case of Upwork in California, which uses a third-party payroll company to provide employment contracts, allowing it to comply with the ABC Test.

The people most affected by Policy Option A2 are likely to be those who are already more likely to turn to the courts with cases relating to employment status and its misclassification. These are, primarily, **people working through ride-hailing and delivery platforms**. The estimated number of people across the EU who work in these occupations as their main, secondary or marginal activity is up to **2.78 million** (see Table 4). However, the characteristics of workers who are more likely to turn to courts and be reclassified include those subject to subordination (or control exercised by the platforms). In ride-hailing and delivery sector, such workers number up to 1.54 million (see Table 6). This estimate of **1.54 million** is very much an upper limit; it is much more likely that reclassification decisions will be initiated by and affect those people for whom platform work is the main activity. These constitute around **0.57 million** people (Table 6).

Clarification regarding voluntarily funded insurance, social benefits and training measures will also prompt some platforms to improve their social protection and career opportunities of certain self-employed people working through platforms. In the interviews, several platforms (including Bolt, Wolt, Delivery Hero, Free Now and others) expressed the opinion that the current lack of clarity prevents them from presenting people working through them with a better set of benefits. Specifically, they expressed concern that the provision of such benefits could become an argument for the existence of an employment relationship in reclassification cases. Clarification would help to solve this problem, provided that it is accepted and interpreted consistently by the courts across the EU. Overall, working conditions and social security may improve for a large number of people working through platforms. It is reasonable to assume that those who are most likely to be affected are **low-skilled, on-location workers in main or secondary platform work** (Table 4). This excludes people in marginal platform work, as people might be expected to work for a certain amount of time in order for benefits to become applicable. Therefore, the total number of people concerned is 3.04 million. Given that between 0.57 million and 1.54 million such people (as explained in the previous paragraph) are likely to be reclassified, it can be argued that the range of people for whom working conditions and social security are likely to improve number between **1.5 and 2.47 million people**.²³¹

Similarly to Policy Option A1, it may be assumed that the policy instruments under Option A2 will be used by platforms to ascertain that people who work through them are genuinely self-employed. For example, platforms might consult with or use precedents set by the certifying authorities to align their terms and conditions with the criteria for genuine self-employment, and then apply to receive the certificate. This could at least affect the **high-skilled, on-location and online people (2.25 million, see Error! Reference source not found.)** who are currently at risk of being misclassified, due to the fact that business models which draw on the highly skilled are easier to combine with the status of self-employment.²³²

²³¹ The lower estimate is not fully consistent, because the subtraction 3.04 million – 1.54 million includes 1.54 million people in secondary as well as marginal platform work. The sample size is not sufficient to differentiate between these categories in Table 6.

²³² For example, the tasks implemented are much more diverse than those implemented by low-qualification online and on-location people; the highly qualified also tend to have greater independence and a much more direct relationship with their customers and clients.

Table 7. Summary of the effects of Option A2 regarding the employment of people working through platforms

	Low-skill on location	High-skill on-location	Low-skill online	High-skill online	Total
(i) Employed after reclassification	Between 0.57 and 1.54 million	0	0	0	0.57 to 1.54 million
(ii) Other outcomes (including retaining current status, genuine self-employment, no longer working through platforms, better social security or working conditions in self-employment)*	Between 2.64 and 3.61 million	1.84 million	9.75 million	12.51 million	26.74 to 27.71 million
<i>(iii) (within ii) People at risk of misclassification who become genuinely self-employed*</i>	0	Up to 0.34 million	0	Up to 1.91 million	Up to 2.25 million
<i>(iv) (within ii) Better working conditions or social security in self-employment*</i>	Between 1.5 and 2.47 million	0	0	0	1.5 to 2.47 million

* More people within the 'Other' category may become genuinely self-employed or receive better social security or working conditions, in addition to those indicated in lines (iii) and (iv); however, data is insufficient to make a more precise estimate.

c) Policy Option A3: rebuttable presumption

- A3a: Rebuttable presumption applying to on-location platforms.
- A3b: Rebuttable presumption applying to platforms that exercise a certain degree of control.
- A3c: Rebuttable presumption applying to all platforms.

Sub-option A3a

If a rebuttable presumption is applied to on-location platforms (**Sub-option A3a**), it is reasonable to assume that:

- This option would mainly affect platforms for low-skill jobs, where algorithmic management is strong, and the subordination of people to the platforms through which they work is pronounced. On-location platforms operating as marketplaces will only be concerned where they exert a strong level of control over their workers.
- Many on-location platforms will adapt their business model to employ people working through them, either directly themselves or through TWAs. While some of these platforms will be incentivised by the signalling effect of these options, others will reclassify after losing court cases.
- Some large platforms will implement a dual strategy, employing workers themselves, through TWAs and service contracts, in various combinations.

- Some platforms may quit less profitable markets, at local (e.g. town, city, region) or national level.

The impacts for people working through high-skill and through low-skill on-location platforms are expected to differ, as currently such platforms tend to adopt very different practices in relation to work organisation, client-worker matching and worker control. Low-skill on-location platforms are much more likely to exert control or subordination over the people who work through them. Table 4 and Table 6 demonstrate that 48% of those carrying out low-skilled on-location work are likely to be at risk of misclassification; the same risk applies to just 18% of those in high-skilled on-location work. As an **upper-bound** scenario, it can be assumed that reclassification will apply to all of those people at risk of being misclassified and who are working non-sporadically through low-skilled and high-skilled on-location platforms (**2.01 and 0.34 million**, respectively, Table 6 **Error! Reference source not found.**). As a **lower bound** scenario, this might only concern those in main platform work (**0.82 million for low-skill and high-skill platforms combined**), as it is likely that platforms would only employ those people who work a greater number of hours.

Given the different business practices adopted by low-skilled vs. high-skilled platforms, it is also reasonable to assume that **the actual extent of reclassification** for low-skilled platforms is more likely to be in the mid-to-higher range of the two bounds, whereas for high-skilled platforms it will be much closer **to the lower bound**.

In the scenario in which those who are at risk of being misclassified (Table 6 **Error! Reference source not found.**) are **not** reclassified as employees (i.e. the lower-bound scenario), these workers could either lose the opportunity to work via platforms altogether, or they are likely to become genuinely self-employed. Notably, this is easier to do for high-skill on-location platforms compared with low-skill on-location platforms, as the high-skilled platforms usually do not exert as high a level of control over the people who work through them as is the case with low-skilled platforms.

Table 8. Summary of the effects of Sub-option A3a regarding the employment of people working through platforms

	Low-skill on location	High skill on-location	Low-skill online	High-skill online	Total
(i) Employed after reclassification	Between 0.76 and 2.01 million	Between 0.06 and 0.34 million	0	0	0.82 to 2.35 million
(ii) Other outcomes (incl. retain current status, genuine self-employment, no longer working through platforms, better social security or working conditions in self-employment)*	Between 2.18 and 3.42 million	Between 1.50 and 1.78 million	9.75 million	12.51 million	25.94 to 27.46 million
(iii) (within ii) People at risk of misclassification who become genuinely self-employed*	Up to 1.24 million	Up to 0.28 million	0	0	Up to 1.52 million

* More people within the 'Other' category may become genuinely self-employed in addition to those indicated in the line (iii); however, data is insufficient to make a more precise estimate.

Sub-option A3b

This sub-option suggests applying the rebuttable presumption to platforms that exercise **a certain degree of control** over the people working through them, and over the work they perform. Such control could, for instance, consist of effectively determining, or setting upper limits for, the level of remuneration; restricting communication between the person performing the platform work and the customer; requiring the person performing platform work to respect specific rules with regard to their appearance, conduct towards the customer or the performance of the work; or by verifying the quality of the results of the work.

This sub-option will affect on-location platforms in a similar way to Sub-option A3a.

Its effects with regard to online platforms, and the responses from such platforms, are likely to be as follows:

- A limited number of online platforms are likely to reclassify the people working through them – mainly those platforms which exert a considerable level of control over their workers (primarily platforms for micro-tasking). Pure marketplace-like platforms will not be affected, but other platforms for both high-skilled and low-skilled work may be – as some of these do not operate as pure marketplaces, and do exert notable levels of control on workers, or operate in a similar way to TWAs.²³³
- Some platforms will change their T&Cs in such a way that their relationship with the people who work through them meet the criteria for genuine self-employment. This may be done by approximating the model of a pure marketplace (e.g. in terms of how schedules and prices are set); or by making sure that platform cannot be considered the primary source of work-related income (e.g. by setting a cap on how many hours can be worked or how much can be earned in a month).
- Reclassified EU-based online workers may face decreasing demand for their services, due to increased costs and administrative burden. Therefore, only a small number of platforms – notably those where the tasks require a knowledge of local languages or access to local businesses, and are therefore difficult to move out of the EU – will adapt their business model and reclassify workers as employees. As with on-location platforms, some large online platforms will implement a dual strategy, employing a certain number of workers directly themselves, as well as through TWAs and cooperative service contracts, in various combinations. Other platforms that wish to avoid litigation and fines, or for whom employment would completely undermine their business models, will either go out of business or leave EU markets. This would reduce opportunities for self-employment among freelancers in the EU.

The impacts on **online workers** will vary notably, depending on the type and content of their work, as well as on the specific platforms they use.

It is reasonable to assume that reclassification will concern only those people working through online platforms **who are subject to a notable degree of control by the platforms through which they work**, and are at risk of being misclassified.²³⁴ The upper limit of people working through online platforms possibly impacted by this Policy Option is **3.16 million** across the EU-27 (low-skill online and high-skill online, Table 6). Given the very different levels of control likely to be exercised by low-skill online platforms as compared to high-skill platforms, those working through high-skill online platforms and

²³³ Potocka-Sionek, N. (2020). The changing nature of labour intermediation. Do algorithms redefine temporary agency work, *New Forms of Employment*, 169-190.

²³⁴ The 2021 survey data on people working through platforms who cannot set their pay rates and schedules.

for whom platform work is a secondary or marginal job, are unlikely to be reclassified under any circumstances. Therefore, as the upper-bound scenario, the extent of reclassification may reach **1.75 million people** working through online platforms (1.25 low-skilled + 0.5 million high-skilled). However, **this is likely to be an extreme scenario**. **A more likely scenario** is the reclassification only of those for whom platform work is a main job. This would set the extent of reclassification at 0.9 million (0.4 low-skilled + 0.5 million high-skilled).

Even this number **may yet turn out to be an overestimate**. In part, it is based on data from an online survey that is likely to overestimate the total number of people working through online platforms (see Section 1). Furthermore, this estimate does not consider how many people the online platforms would actually be willing to employ, as none of them could provide such figures during the interviews. Two platforms argued that they might cease operations in Europe in the event that they were asked to employ people working through them. Following on from this argument, it may be argued that the only platforms that would choose to employ people after reclassification would be those for whom operations within Europe are essential **because of the specificity of services and the need for local expertise**. The overview of the detailed skills data collected automatically from the four platforms for online work allows us to narrow down the list of such services to: writing and translation in EU languages, and professional services that require knowledge of local requirements and regulations (e.g. architecture, legal advice, certain types of engineering). According to OLI data on workers' countries by occupation, **only 10%** of European workers engage in these types of work.²³⁵ Based on this, it can be assumed that a significantly smaller proportion of workers would actually be employed – for example, around **0.04 million** and **0.05 million** in low-skilled and high-skilled online work, respectively (i.e. only 10% of the 0.4 million low-skilled and 0.5 million high-skilled people currently working through platforms). The majority of the remaining people who through online platforms would either continue to work as genuinely self-employed (this would be concerning for the majority of remaining workers), or they would lose their ability to work through platforms in those rare cases where they are in a subordinated relationship with the platform and the increased costs do not make for a sound business case for the platform to continue operating in a particular Member State.

Other possible outcomes (including retaining current status, genuine self-employment, no longer working through platforms, better social security or working conditions in self-employment) would apply to people in low-skilled and high-skilled online work (see Table 4) minus those potentially reclassified, which gives a range of **between 24.19 and 26.56 million**.

In line with the arguments presented for Options A1 and A2, it is reasonable to assume that, particularly with regard to platforms for high-skilled people who work through online platforms it will be quite easy to review T&Cs to ensure that the status of people working through such platforms is that of genuine self-employment. According to the 2021 survey, the number of such people is 1.91 million; taking into account the highest assumed level of reclassification, the likely number of genuinely self-employed is **1.41 million**. Furthermore, it can also be assumed that platforms will revise their T&Cs so that low-skilled people working online through platforms (Table 6) who are not reclassified become genuinely self-employed – which would account for up to **0.85 million people**.

²³⁵ Available [here](#), data from 28 July 2021.

Table 9. Summary of the effects of Sub-option A3b regarding the employment of people working through platforms

	Low-skill on-location	High skill on-location	Low-skill online	High-skill online	Total
(i) Employed after reclassification	Between 0.76 and 2.01 million	Between 0.06 and 0.34 million	Between 0.4 and 1.25 million**	0.50 million**	1.72 – 4.1 million
(ii) Other outcomes (including retaining current status, genuine self-employment, no longer working through platforms, better social security or working conditions in self-employment)*	Between 2.18 and 3.42 million	Between 1.50 and 1.78 million	Between 8.5 and 9.35 million	12.01 million	24.19 to 26.56 million
(iii) (within ii) People at risk of misclassification who become genuinely self-employed*	Up to 1.24 million	Up to 0.28 million	Up to 0.85 million	Up to 1.41 million	Up to 3.78 million

* More people within the 'Other' category may become genuinely self-employed in addition to those indicated in line (iii); however, data is insufficient to make a more precise estimate.

** An even lower estimate of between 0.04 and 0.05 million is possible following the reasoning presented above the table, yet it was not used for the calculation of the likely social and economic costs and benefits in the further chapters due to limitations in differentiating between people working through online platforms by occupation using the survey data.

Sub-option A3c

Sub-option A3c assumes a broader and less specific scope for the rebuttable presumption. Eventually, Member States would have to determine the definition of the platform and to set criteria concerning the degree of control it exerts over people who work through platforms, which would determine the existence of an employment relationship. This would mean that:

- Different Member States might set slightly different criteria, and thus even the minimal threshold for applying the rebuttable presumption might differ between Member States.
- In the medium to long term, administrative decisions and court cases will lead to a situation in which the specific business models to which the rebuttable presumption will apply, and the number of platforms affected, will be the same as under Sub-options A3a and A3b.
- However, the number of such administrative decisions and court cases will be higher than under Options A3a and A3b, due to the broader scope of the initiative.

Based on the factors, it can be assumed that the impact of this sub-option in terms of the number of people affected will be the same as under Sub-option A3b.

4. Calculation of costs and benefits under Policy Area A

a) Impacts on people who work through platforms

Calculations were made of the benefits under Policy Area A for **people working through platforms**, in relation to income, social security and working time. These, as well as other impacts presented below, rely on a number of assumptions:

- All people who cannot set their schedule and pay rates would be reclassified under Option A3b, and would continue to be employed by platforms, unless they perform high-skilled tasks through online platforms as a secondary and marginal occupation.²³⁶ This provides an upper-bound estimate of the level of impacts. Given that it might not make financial sense for platforms to employ people for whom platform work is a secondary or marginal occupation, the lower-bound estimates consider only those workers for whom platform work is the main occupation. In reality, online platforms may choose to employ an even more limited number of people (see the discussion preceding Table 10) – for example, only those whose language skills are necessary to perform the tasks. Nevertheless, the number of such people is not possible to estimate using survey data. If a lower share of people providing services via online platforms were to be employed, the impacts on workers' earnings, costs to platforms and public budgets would reduce in size.
- People who do not currently earn the hourly minimum wage will do so post-reclassification. Wages will remain the same for those who already earn minimum wage or more. The number of hours worked will also remain the same. In reality, working hours for those people who will be employed by platforms may increase to account for the fact that some people will not be employed following reclassification. Nevertheless, this means that the effect on the overall hours worked (as well as wages paid and received) will even out (i.e. a higher number of hours for those who are employed by platforms, zero to those who will no longer work through platforms). Otherwise, the platforms would not be able to satisfy the demand for their services. Hence, fluctuations are disregarded in the hours worked post-reclassification between workers that will be employed and those who will no longer work through platforms.
- Those people who work sporadically (less than once a month) work through platforms will no longer be able to work through them. This is in line with the percentages presented by platforms in interviews. The impact on the earnings (and tax contributions) of such people is assumed to be negligible, because 97% of people working sporadically through platforms have other jobs or occupations.
- People who can set their own pay rates and schedules, or who work through online platforms as a secondary or marginal high-skilled occupation, will continue to work through platforms as being genuinely self-employed in Option A3b.²³⁷ If

²³⁶ The same assumption applies to Option A3c. For Options A2 and A3a, the sample is respectively limited to 1) delivery and ride-hailing platforms only; or 2) on-location platforms only, but those who cannot set their schedules and pay rates are still assumed to be reclassified.

²³⁷ The same assumption applies to A3c. Under A2, all people, other than those who work via delivery and ride-hailing platforms and cannot set their pay rates and schedules, are assumed to continue working through platforms as being genuinely self-employed. Under A3a, all people, other than those who work through on-location platforms and cannot set their pay rates and schedules, are assumed to continue working through platforms as being genuinely self-employed.

some of these people no longer work through platforms following reclassification, the estimated impacts on people's earnings, costs to platforms and tax contributions would respectively decrease.

- All people currently working through platforms are assumed to be self-employed. Although this is not the case in reality (i.e. a number of platforms, such as Just Eat Takeaway.com, employ part of or all of their workers), the people who are employed by platforms cannot be reliably identified using self-reported survey data. Furthermore, the number of such people who are employed by platforms is still negligible compared with those who operate as independent contractors.

Employing the assumptions outlined above, the impact on the **net annual earnings** of people who work through platforms was estimated in the following way. First, the number of people to be reclassified under each option was estimated using the survey data, taking those who cannot set their pay rates and schedules when working through platforms (with the exception of those working in high-skilled online work as a secondary and primary occupation). While imperfect in the context of all the criteria used to establish an employment relationship, these two indicators do point to a level of subordination. Furthermore, taking into consideration two indicators instead of one provides greater confidence that the platforms exercise a level of control over these people. The number of people to be reclassified was then converted to represent the share of each country's population, using data on 16 to 74-year-olds obtained from Eurostat.²³⁸ The share of the population to be reclassified was extrapolated for each EU country using the clusters that were employed to select countries to survey.²³⁹ This ultimately resulted in estimates of the number of people to be reclassified in each EU country. For each country surveyed, the average hourly wage of the people to be reclassified, median hours worked per week, and the average number of weeks worked per year were estimated using survey data²⁴⁰ and extrapolated to the non-surveyed EU countries using the method outlined above. These variables, including the number of people to be reclassified, were multiplied together to arrive at the estimate of net annual earnings for each country in the baseline scenario.

To estimate net annual earnings under Option A3b, minimum wage²⁴¹ was assumed for those people who would be reclassified under this Option, if their estimated average hourly wage was less than the minimum wage of the country in which they live. Annual net earnings under Option A3b were then estimated using the same method presented above, but with the updated average hourly rates. The overall impact of Option A3b on net annual rates was estimated by subtracting the net annual baseline earnings from the annual net earnings estimated under Option A3b. See the following dataset for an

²³⁸ Eurostat table demo_pjan.

²³⁹ If only one country from a cluster was surveyed, the reclassification rate from that country was applied to all countries in the same cluster. If more than one country from a cluster was surveyed, their average rate was applied to the other countries in the cluster.

²⁴⁰ Specifically, average hourly net earnings were estimated using **question Q50 'What is your usual total personal monthly income after taxes?'** and the mid-point of the range in **Q51 'What percentage of your overall income (after taxes), indicated in the previous answer, usually comes from your work via online platforms?'** The median hours worked per week were derived from **Q11 'Think about the usual week that you have worked via online platforms. How many hours per week did you spend searching or waiting for tasks/work assignments, and how many implementing them?'**, taking both hours spent searching/waiting for tasks and implementing them. The median (as opposed to average) value was chosen because the distribution of hours worked per week was strongly right-skewed. The average number of weeks worked per year was estimated using **Q8 'How regularly have you worked via online platforms?'**, with two weeks assumed for people who responded 'I worked irregularly or occasionally, from time to time'; six weeks assumed for people who said 'I worked regularly (once a week or more) for a period of less than 3 months'; and 26 weeks assumed for people who said 'I worked regularly (once a week or more) for a period of more than 3 months.'

²⁴¹ Monthly minimum wages were taken from Eurostat table EARN_MW_CUR, and converted to hourly rates when divided by 174, which is the yearly average number of working hours per month. No minimum wage exists in Denmark and Italy, so the wages were not changed for people in these countries when estimating the impacts of any of the options.

illustration. Note that lower-bound estimates were achieved by multiplying the upper-bound estimates by 0.4201 – the share of people at risk of misclassification for whom platform work is the main occupation.²⁴² Variability by country could not be established, due to a limited sample size.

The impact of Option A3c on earnings was assumed to be the same as that of A3b. The impacts of Options A2 and A3a were estimated using the same methodology as for A3b, with the exception that the sample was limited to people working through delivery and ride-hailing platforms only in A2, and via all on-location platforms in A3a.

Table 10. Monetisation of benefits to reclassified workers in terms of net earnings under Sub-option A3b

Country	Reclassified people	Average hourly baseline wage, EUR	Median hours worked per week	Average weeks worked per year	Annual net baseline earnings, EUR	Average hourly A3b wage, EUR	Annual net A3b earnings, EUR	A3b impact on net earnings, upper bound, EUR
AT	73,216	14.1	23	8.8	208,113,569	14.4	212,200,280	4,086,711
BE	77,898	12.2	20	10.3	195,130,315	13.0	207,242,521	12,112,206
BG	91,226	4.0	22	10.5	84,714,763	4.6	97,291,530	12,576,767
CY	8,321	7.3	30	12.4	22,678,667	7.8	23,948,448	1,269,781
HR	28,268	12.2	20	10.3	70,808,856	13.0	75,204,132	4,395,275
CZ	63,371	4.0	22	10.5	58,847,502	4.6	67,584,012	8,736,509
DK	36,543	14.1	23	8.8	103,872,716	14.4	105,912,457	2,039,741
EE	7,657	4.0	22	10.5	7,110,337	4.6	8,165,939	1,055,602
FI	75,939	12.6	24	9.8	225,605,982	12.9	231,491,102	5,885,119
FR	444,948	12.2	20	10.3	1,114,574,562	13.0	1,183,758,877	69,184,315
DE	823,781	14.1	23	8.8	2,341,567,376	14.4	2,387,548,566	45,981,190
EL	88,996	9.0	27	11.7	248,239,915	9.5	262,824,379	14,584,464
HU	91,451	4.0	22	10.5	84,923,059	4.6	97,530,749	12,607,691
IE	39,350	14.1	23	8.8	111,851,127	14.4	114,047,540	2,196,413
IT	332,552	7.3	30	12.4	906,309,202	7.8	957,053,559	50,744,357
LV	24,150	4.0	22	10.5	22,426,507	4.6	25,755,949	3,329,443
LT	16,335	4.0	22	10.5	15,168,611	4.6	17,420,545	2,251,934
LU	5,243	14.1	23	8.8	14,901,657	14.4	15,194,279	292,623
ML	3,178	4.0	22	10.5	2,950,871	4.6	3,388,958	438,087
NL	243,119	12.6	24	9.8	722,281,655	12.9	741,122,971	18,841,316
PL	356,884	4.0	22	10.5	331,409,888	4.6	380,611,052	49,201,164
PT	94,737	7.3	30	12.4	258,188,850	7.8	272,644,874	14,456,024
RO	251,798	4.0	22	10.5	233,825,257	4.6	268,538,992	34,713,735
SK	51,595	4.0	22	10.5	47,912,171	4.6	55,025,219	7,113,048
SI	19,280	4.0	22	10.5	17,903,459	4.6	20,561,409	2,657,950

²⁴² The coefficient was 0.3725 and 0.3508 for Policy Options A2 and A3a, respectively, as estimated using survey data.

Country	Reclassified people	Average hourly baseline wage, EUR	Median hours worked per week	Average weeks worked per year	Annual net baseline earnings, EUR	Average hourly A3b wage, EUR	Annual net A3b earnings, EUR	A3b impact on net earnings, upper bound, EUR
ES	605,925	7.3	30	12.4	1,651,335,774	7.8	1,743,794,256	92,458,482
SE	138,301	12.6	24	9.8	410,878,668	12.9	421,596,779	10,718,111
							Total:	483,928,059

The benefit in terms of **paid leave** was calculated by making use of the average annual hours worked by those people who will be reclassified under Option A3b, estimated using the methodology presented above. An employed person receives around one month of paid holiday per year. Based on 1,920²⁴³ hours of paid work and 160²⁴⁴ hours of paid leave per year, each hour worked generates 0.083²⁴⁵ hours of paid leave. Thus, the average annual hours worked by those people who will be reclassified were multiplied by 0.083 (the estimated hours of paid leave that each hour worked generates) to measure the paid leave that is not currently accrued, and to which they would be entitled after reclassification. These numbers were then multiplied by the number of people who will be reclassified in the EU-27 and their average hourly wages, and summed up. The estimates were produced using both the upper- and lower-bound ranges of people who will be reclassified under each option. See the dataset overleaf for the illustration.

Benefits relating to the **protective equipment** were based on the fact that, in the context of the COVID-19 pandemic, masks and sanitisers alone could cost around EUR 40²⁴⁶ per person per month. Multiplied by the number of people working via on-location platforms who would be reclassified (between 0.82 million and 2.35 million), as well as their average annual working hours in each country, resulted in a monetary estimate of benefits for all workers combined. The estimate assumes that all people working through on-location platforms face similar expenditures with regard to sanitisers and masks as do people working through ride-hailing and delivery platforms.

Table 11. Monetisation of paid leave benefit for reclassified workers under Sub-option A3b

Country	Reclassified people	Average hourly wage	Median hours worked per week	Average weeks worked per year	Average annual hours worked	Hours of paid leave generated	Gain due to access to paid leave per worker	Gain for all workers, upper bound, EUR	Gain for all workers, lower bound, EUR
AT	73,216	14.4	23	8.8	201.4	16.7	240.6	17,612,623	7,399,063
BE	77,898	13.0	20	10.3	205.0	17.0	220.8	17,201,129	7,226,194
BG	91,226	4.6	22	10.5	230.5	19.1	88.5	8,075,197	3,392,390
CY	8,321	7.8	30	12.4	370.9	30.8	238.9	1,987,721	835,042
HR	28,268	13.0	20	10.3	205.0	17.0	220.8	6,241,943	2,622,240
CZ	63,371	4.6	22	10.5	230.5	19.1	88.5	5,609,473	2,356,540

²⁴³ 40 hours per week, 48 weeks per year.

²⁴⁴ 40 hours per week, four weeks pre year.

²⁴⁵ 160/1920

²⁴⁶ Assuming a box of 50 masks, each of which is recommended for up to 4 hours of use, for EUR 15 (see [here](#)); and 1.2 litre of hand sanitiser (3 ml per use, 20 uses per day, 20 days per month), for EUR 25 (see [here](#)).

Country	Reclassified people	Average hourly wage	Median hours worked per week	Average weeks worked per year	Average annual hours worked	Hours of paid leave generated	Gain due to access to paid leave per worker	Gain for all workers, upper bound, EUR	Gain for all workers, lower bound, EUR
DK	36,543	14.4	23	8.8	201.4	16.7	240.6	8,790,734	3,692,987
EE	7,657	4.6	22	10.5	230.5	19.1	88.5	677,773	284,732
FI	75,939	12.9	24	9.8	236.2	19.6	253.0	19,213,761	8,071,701
FR	444,948	13.0	20	10.3	205.0	17.0	220.8	98,251,987	41,275,660
DE	823,781	14.4	23	8.8	201.4	16.7	240.6	198,166,531	83,249,760
EL	88,996	9.5	27	11.7	310.9	25.8	245.1	21,814,423	9,164,239
HU	91,451	4.6	22	10.5	230.5	19.1	88.5	8,095,052	3,400,731
IE	39,350	14.4	23	8.8	201.4	16.7	240.6	9,465,946	3,976,644
IT	332,552	7.8	30	12.4	370.9	30.8	238.9	79,435,445	33,370,831
LV	24,150	4.6	22	10.5	230.5	19.1	88.5	2,137,744	898,066
LT	16,335	4.6	22	10.5	230.5	19.1	88.5	1,445,905	607,425
LU	5,243	14.4	23	8.8	201.4	16.7	240.6	1,261,125	529,799
ML	3,178	4.6	22	10.5	230.5	19.1	88.5	281,283	118,167
NL	243,119	12.9	24	9.8	236.2	19.6	253.0	61,513,207	25,841,698
PL	356,884	4.6	22	10.5	230.5	19.1	88.5	31,590,717	13,271,260
PT	94,737	7.8	30	12.4	370.9	30.8	238.9	22,629,525	9,506,663
RO	251,798	4.6	22	10.5	230.5	19.1	88.5	22,288,736	9,363,498
SK	51,595	4.6	22	10.5	230.5	19.1	88.5	4,567,093	1,918,636
SI	19,280	4.6	22	10.5	230.5	19.1	88.5	1,706,597	716,941
ES	605,925	7.8	30	12.4	370.9	30.8	238.9	144,734,923	60,803,141
SE	138,301	12.9	24	9.8	236.2	19.6	253.0	34,992,533	14,700,363
						Total:	177.7	829,789,128	348,594,413

b) Impacts on platforms

The **number of platforms affected** was estimated using the CEPS dataset.²⁴⁷ Only active platforms were included in the estimates. The active platforms were filtered according to each Policy Option:

- all platforms were included in Option A1;
- only those providing delivery and transportation services under A2;
- all on-location platforms in A3a;
- all platforms that pro-actively match workers with clients in A3b;
- all platforms under A3c.

²⁴⁷ Shared with the research team by DG EMPL. The dataset resulted from the CEPS (2021) study 'Digital Labour Platforms in the EU: Mapping and business models,' [available here](#).

The costs to platforms, in terms of higher wages to be paid to reclassified workers, as well as employer social security contributions they would be subject to, were estimated by relying on the annual net earnings of workers described under benefits for people working through via platforms. The gross annual baseline earnings of people working through platforms in each country were estimated separately using the following formula:

$$\text{Annual gross earnings} = \frac{\text{Annual net earnings}}{1 - \text{Total tax rate}}$$

where the total tax rate for the self-employed considers the income tax²⁴⁸ and social security contributions paid by the self-employed²⁴⁹, taking into account the share of people who do not pay taxes²⁵⁰, as per the following formula:

$$\text{Total tax rate} = (\text{Income tax rate} + \text{Self employed social security tax rate}) * (1 - \text{Share of people who do not pay taxes})$$

The same logic was applied to estimate gross annual earnings under each Policy Option, but the total tax rate for the reclassified persons considered both employer²⁵¹ and employee²⁵² social security contributions, rather than just the contributions paid by the self-employed:

$$\text{Total tax rate} = (\text{Income tax rate} + \text{Employer social security contribution rate} + \text{Employee social security contribution rate}) * (1 - \text{Share of people who do not pay taxes})$$

The impacts of each Policy Option on the costs to platforms were derived by subtracting gross annual baseline earnings from the gross annual earnings estimated for each Policy Option. See the dataset overleaf for illustration of the upper-bound impacts. Lower-bound impacts were estimated by multiplying upper-bound estimates by 0.4201, which is the share of people who would be reclassified under Option A3b for whom platform work is the main activity.²⁵³

Estimation of **non-compliance costs** was based on historical precedents and examples from some EU countries. These were compiled using the European Centre of Expertise overview of court decisions in the EU since 2015.²⁵⁴

To measure the costs of **legal research to adapt to the various different rules across EU-27 governing the contracting and employing of individuals**, information was used

²⁴⁸ For OECD countries, the combined central and sub-central (where applicable) income tax rate was taken from [here](#). For the remaining countries, personal income tax rate was taken from [here](#).

²⁴⁹ For OECD countries, taken from [here](#), including the consultation of attached country reports when needed. For Germany and Denmark, the rate was set to 0 following the information presented [here](#) and [here](#); data for Romania is available [here](#); and for Bulgaria [here](#); Cyprus data is available [here](#); Greece [here](#); and Malta [here](#).

²⁵⁰ Operationalised using the question 'Do you personally know any people who work without declaring all or part of their income to tax and social security authorities' from DG COMM (2020). Special Eurobarometer 498: Undeclared Work in the European Union. Available [here](#), p. 34. Note that the Eurobarometer also included a question on whether people themselves carried out any undeclared activities in the last 12 months, but the estimates were very low (4% at EU-27), which is why a different question was ultimately chosen to estimate the rate of people who do not declare part or all of their income.

²⁵¹ For OECD countries taken from [here](#); for non-OECD countries from [here](#).

²⁵² For OECD countries taken from [here](#); for non-OECD countries from [here](#).

²⁵³ The coefficient was 0.3725 and 0.3508 for Policy Options A2 and A3a, respectively, as estimated using survey data.

²⁵⁴ Shared with the research team by DG EMPL on April 12, 2021. The overview was produced as part of the study 'European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Thematic Review 2021 on Platform work', available [here](#).

from an interview with one of the on-location platforms. The representative interviewed stated that it took 50 hours of legal research before internationalisation from one country to another. Since the platform concerned employs the people who work through it, 90% of this research was focused on labour law, with 10% spent on civil law.

It was assumed that a paralegal is qualified to carry out such research. Using the Structure of Earnings Survey, estimates were retrieved separately for men and women legal, social, cultural and related associate professionals working at companies of different sizes. These were then averaged for SMEs and larger firms. The employee was assumed to be 35 years-old, working full-time, in a capital region and having spent three years with the company. Applying these characteristics, the average hourly rate for legal associate professionals in the EU-27 is EUR 14.25.²⁵⁵

Thus, the average cost for each platform that employs workers and expands to another EU country is estimated at: $50 \times 14.25 = 712.5$ euros per platform and per expansion to one country.

This estimate is, however, lower-bound – because the interviewed platform conducted additional research with regard to social security contributions, yet the specific number of hours could not be stated. Similarly, the cost does not include the time taken to update the platform’s T&Cs, etc. However, these costs were considered negligible for online platforms, because people from all over the world can instantly sign up to work through them, meaning that online platforms do not need to consider the regulations of each country in which freelancers are based.

In order to calculate legal research costs, EUR 712.5 (recurring costs per expansion to a new country) was multiplied by the sum of EU countries in which on-location platforms operate that rely on a self-employment model, minus the countries where they are headquartered.

Table 12. Monetisation of A3b impact on costs to platforms, EUR

Country	Annual net baseline earnings, EUR	Self-employed social security tax rate	Income tax rate	Share of people who do not pay taxes	Total baseline tax rate	Gross annual baseline earnings, EUR	Employer social security tax rate	Employee social security tax rate	Total A3b tax rate	Gross annual A3b earnings, EUR	A3b impact on gross earnings, upper bound, EUR
AT	208,113,569	0.26	0.30	0.33	0.44	334,297,097	0.21	0.15	0.44	381,918,034	47,620,937
BE	195,130,315	0.21	0.41	0.41	0.48	307,433,736	0.27	0.13	0.48	399,554,949	92,121,213
BG	84,714,763	0.28	0.10	0.38	0.27	110,645,686	0.19	0.14	0.27	132,434,294	21,788,609
CY	22,678,667	0.16	0.30	0.38	0.29	31,617,593	0.08	0.08	0.29	33,678,979	2,061,386
HR	70,808,856	0.20	0.30	0.42	0.39	99,730,784	0.17	0.20	0.39	122,422,484	22,691,700
CZ	58,847,502	0.21	0.20	0.38	0.36	79,214,714	0.34	0.05	0.36	105,913,456	26,698,742
DK	103,872,716	-	0.42	0.55	0.19	127,860,250	-	-	0.19	130,371,033	2,510,783
EE	7,110,337	0.33	0.31	0.27	0.48	13,307,142	0.34	0.02	0.48	15,800,816	2,493,674
FI	225,605,982	0.23	0.36	0.26	0.48	403,046,323	0.19	0.10	0.48	443,899,843	40,853,520
FR	1,114,574,562	0.17	0.32	0.33	0.53	1,660,191,477	0.36	0.11	0.53	2,509,275,136	849,083,659

²⁵⁵ Estimated using the Salary calculator based on the Structure of Earnings survey (2018), [available here](#).

Country	Annual net baseline earnings, EUR	Self-employed social security tax rate	Income tax rate	Share of people who do not pay taxes	Total baseline tax rate	Gross annual baseline earnings, EUR	Employer social security tax rate	Employee social security tax rate	Total A3b tax rate	Gross annual A3b earnings, EUR	A3b impact on gross earnings, upper bound, EUR
DE	2,341,567,376	-	0.31	0.28	0.51	3,025,841,461	0.20	0.20	0.51	4,895,962,817	1,870,121,356
EL	248,239,915	0.07	0.22	0.59	0.25	281,919,268	0.25	0.16	0.25	352,750,560	70,831,292
HU	84,923,059	0.18	0.15	0.38	0.31	106,353,236	0.17	0.19	0.31	141,348,912	34,995,677
IE	111,851,127	0.04	0.45	0.26	0.42	174,467,520	0.09	0.04	0.42	198,006,076	23,538,556
IT	906,309,202	0.24	0.31	0.44	0.40	1,308,637,572	0.32	0.09	0.40	1,603,192,437	294,554,864
LV	22,426,507	0.32	0.26	0.36	0.39	35,855,857	0.24	0.11	0.39	42,233,471	6,377,614
LT	15,168,611	0.13	0.24	0.32	0.39	20,143,595	0.21	0.13	0.39	28,538,247	8,394,652
LU	14,901,657	0.01	0.39	0.32	0.43	20,472,910	0.14	0.11	0.43	26,718,321	6,245,410
ML	2,950,871	0.15	0.35	0.37	0.35	4,307,841	0.10	0.10	0.35	5,185,857	878,016
NL	722,281,655	0.06	0.46	0.55	0.39	940,366,174	0.13	0.28	0.39	1,210,560,880	270,194,716
PL	331,409,888	0.32	0.08	0.31	0.29	456,104,592	0.20	0.14	0.29	534,735,512	78,630,919
PT	258,188,850	0.21	0.29	0.36	0.40	379,332,467	0.24	0.11	0.40	458,072,705	78,740,238
RO	233,825,257	0.03	0.10	0.27	0.34	258,341,904	0.02	0.35	0.34	409,936,254	151,594,351
SK	47,912,171	0.14	0.16	0.30	0.32	60,893,278	0.19	0.09	0.32	80,537,833	19,644,555
SI	17,903,459	0.38	0.20	0.42	0.34	27,086,774	0.16	0.22	0.34	31,108,081	4,021,307
ES	1,651,335,774	0.30	0.27	0.41	0.37	2,477,130,261	0.30	0.06	0.37	2,768,992,815	291,862,554
SE	410,878,668	0.10	0.25	0.44	0.36	512,793,249	0.31	0.07	0.36	655,386,113	142,592,864
										Total:	4,461,143,164

c) Impacts on traditional businesses

Upper-bound impacts under Options A2-A3c for the **businesses that rely on platforms** in their operations were measured on the basis of the Adigital study on the Spanish Riders' Law. This indicated that restaurants would lose EUR 250 million during the first year after the Riders' law has come into force in Spain.²⁵⁶ Taking into account that the revenues of the Spanish restaurant industry in 2019 stood at EUR 25.34 billion,²⁵⁷ it was estimated that a drop of EUR 250 million would constitute 1.0% of total restaurant revenue.

Lower-bound impacts were estimated in the following way. Adigital estimated that restaurants will suffer a drop in revenues of EUR 250 million because:

- 1) services will no longer be available in areas with fewer than 100,000 residents, which constitutes 10% of the delivery market;
- 2) in areas with 100,000-250,000 inhabitants, services will only be provided during peak hours, which constitutes 15% of the delivery market;

²⁵⁶ Adigital (2021). Análisis del impacto económico de la laboralización de repartidores. Retrieved from: https://www.adigital.org/media/publicacion_analisis-impacto-economico-laboralizacion-repartidores.pdf

²⁵⁷ Statistics for 2020 are not available. Statista (2021). Revenue of the restaurant industry in Spain from 2015 to 2019. Available [here](#).

- 3) services will no longer be available in the most remote parts of cities with more than 250,000 inhabitants, which constitutes 8% of the delivery market; and
- 4) only limited service will be provided in the suburbs of the cities with more than 250,000 inhabitants, which constitutes 23% of the market.

Given that other companies such as Atajo²⁵⁸ are already emerging in cities with up to 150,000 inhabitants, it was assumed that the impact in remote areas will be half as severe as projected by Adigital, hence 5% of the market will be lost in towns with up to 100,000 residents and 4% in the most remote areas of cities with 250,000+ inhabitants. In this way, it is recognised that the delivery business might not be viable in the most remote areas (hence, only partial replacement of platform delivery services was assumed). Furthermore, the assumption was made that restaurants themselves or companies that emerge to replace platforms, will provide deliveries at all hours in areas with 100,000-250,000 inhabitants, and in the suburbs (hence, the effect in terms of a drop in orders is assumed to be 0%). Accordingly, this translates to a 9% drop in the delivery market, which would reduce restaurant revenues by EUR 40.2 million in Spain, which would constitute 0.16% of total restaurant revenue.

d) Impacts on the public sector

The total taxes paid to the public sector at baseline and under each Policy Option were estimated by subtracting the net annual earnings (see Section 5.a) from gross annual earnings (see Section 5.b). The impact of each Policy Option on the tax revenues of the public sector was estimated by subtracting the taxes paid in the baseline scenario from the taxes paid under each option. Both upper- and lower-bound estimates were used to calculate impacts on net and gross earnings. See the following page for an illustration.

Table 13. Impact of A3b on taxes paid into public budgets

Country	Annual net baseline earnings, EUR	Gross annual baseline earnings, EUR	Taxes paid at baseline, EUR	Annual net A3b earnings, EUR	Gross annual A3b earnings, EUR	Taxes paid under A3b, EUR	A3b impact on taxes, upper bound, EUR	A3b impact on taxes, lower bound, EUR
AT	208,113,569	334,297,097	126,183,528	212,200,280	381,918,034	169,717,754	43,534,226	18,288,728
BE	195,130,315	307,433,736	112,303,421	207,242,521	399,554,949	192,312,428	80,009,007	33,611,784
BG	84,714,763	110,645,686	25,930,923	97,291,530	132,434,294	35,142,764	9,211,841	3,869,895
CY	22,678,667	31,617,593	8,938,926	23,948,448	33,678,979	9,730,531	791,605	332,553
HR	70,808,856	99,730,784	28,921,927	75,204,132	122,422,484	47,218,352	18,296,425	7,686,328
CZ	58,847,502	79,214,714	20,367,212	67,584,012	105,913,456	38,329,444	17,962,232	7,545,934
DK	103,872,716	127,860,250	23,987,534	105,912,457	130,371,033	24,458,576	471,041	197,885
EE	7,110,337	13,307,142	6,196,805	8,165,939	15,800,816	7,634,877	1,438,072	604,134
FI	225,605,982	403,046,323	177,440,341	231,491,102	443,899,843	212,408,742	34,968,401	14,690,225
FR	1,114,574,562	1,660,191,477	545,616,914	1,183,758,877	2,509,275,136	1,325,516,259	779,899,344	327,635,715

²⁵⁸ Translated by the authors. Moreno, M.A. (2021). La ley de 'riders' impulsa las franquicias de esta empresa de repartidores con contrato laboral: 'Cada vez tenemos más peticiones de restaurantes por miedo a que las plataformas no respondan'. *Business Insider*. Available [here](#).

Country	Annual net baseline earnings, EUR	Gross annual baseline earnings, EUR	Taxes paid at baseline, EUR	Annual net A3b earnings, EUR	Gross annual A3b earnings, EUR	Taxes paid under A3b, EUR	A3b impact on taxes, upper bound, EUR	A3b impact on taxes, lower bound, EUR
DE	2,341,567,376	3,025,841,461	684,274,086	2,387,548,566	4,895,962,817	2,508,414,252	1,824,140,166	766,321,284
EL	248,239,915	281,919,268	33,679,353	262,824,379	352,750,560	89,926,181	56,246,829	23,629,293
HU	84,923,059	106,353,236	21,430,177	97,530,749	141,348,912	43,818,163	22,387,986	9,405,193
IE	111,851,127	174,467,520	62,616,393	114,047,540	198,006,076	83,958,537	21,342,143	8,965,834
IT	906,309,202	1,308,637,572	402,328,371	957,053,559	1,603,192,437	646,138,878	243,810,507	102,424,794
LV	22,426,507	35,855,857	13,429,350	25,755,949	42,233,471	16,477,522	3,048,171	1,280,537
LT	15,168,611	20,143,595	4,974,985	17,420,545	28,538,247	11,117,702	6,142,717	2,580,556
LU	14,901,657	20,472,910	5,571,254	15,194,279	26,718,321	11,524,041	5,952,788	2,500,766
ML	2,950,871	4,307,841	1,356,970	3,388,958	5,185,857	1,796,899	439,930	184,814
NL	722,281,655	940,366,174	218,084,519	741,122,971	1,210,560,890	469,437,919	251,353,400	105,593,563
PL	331,409,888	456,104,592	124,694,705	380,611,052	534,735,512	154,124,460	29,429,755	12,363,440
PT	258,188,850	379,332,467	121,143,617	272,644,874	458,072,705	185,427,831	64,284,214	27,005,798
RO	233,825,257	258,341,904	24,516,647	268,538,992	409,936,254	141,397,263	116,880,616	49,101,547
SK	47,912,171	60,893,278	12,981,107	55,025,219	80,537,833	25,512,614	12,531,506	5,264,486
SI	17,903,459	27,086,774	9,183,316	20,561,409	31,108,081	10,546,672	1,363,357	572,746
ES	1,651,335,774	2,477,130,261	825,794,487	1,743,794,256	2,768,992,815	1,025,198,559	199,404,072	83,769,651
SE	410,878,668	512,793,249	101,914,582	421,596,779	655,386,113	233,789,334	131,874,753	55,400,584
						Total:	3,977,215,105	1,670,828,066

5. Calculation of costs and benefits under Policy Area B

This section presents the analytical methods used to estimate costs and benefits for the impact assessment of Policy Area B on various stakeholders.

a) Impacts on people working through platforms

The numbers of people affected by each Policy Option in Policy Area B were estimated in the following way:

- **B1:** based on the fact that a number of Member States are already in the process of enacting legislation that aims to safeguard workers in relation to algorithmic management, it was assumed that only half of employed platform workers would benefit from the rights clarified in the guidelines. To estimate the number of employed platform workers, the preferred Option (A2+A3b) was considered (between 1.72 and 4.1 million, see Table 10Table 9).

- **B2a:** all employed people working through platforms would be affected by the initiative. This number is based on the number of employed platform workers that would work via platforms under the preferred Policy Area A Options (A2+A3b).
- **B2b:** at most, all people working more than sporadically through platforms would be affected. The estimate of 28.3 million is based on the PPMI 2021 survey data (see Table 4).
- **B2c:** All employed workers are subject to algorithmic management. The maximum number would consist of all employed platform workers (which would depend on the policy option selected under Policy Area A: between **1.72** and **4.1 million**), and the total number of employees subjected to algorithmic management at their workplaces (an estimated figure of between 44.19 million and 72.76 million at baseline), which could reach as high as **45.91 million to 76.85 million people in the EU-27**.
- **B3a:** only those people working through platforms who are engaged in high-skilled on-location, low-skilled online, and high-skilled online work were considered, given that low-skilled on-location platforms are already moving away from rating systems in order to preserve their self-employment model. An even greater shift away from rating workers can be expected as a result of Policy Area A Options. The estimates are based on the people who would be employed under the preferred option (A2+A3b) (see Table 9). Specifically, the estimate of 0.96 to 2.09 million was derived by taking the total number of employed platform workers under the preferred option (between 1.72 and 4.1 million) and subtracting those in low-skilled, on-location work (between 0.76 and 2.01 million).
- **B3b:** all people in high-skilled on-location, low-skilled online and high-skilled online work would benefit from the Policy Option, following similar reasoning to that for B3a. The precise estimate was derived by taking the total number of people who work more than sporadically through platforms (28.3 million – see Table 4) and subtracting the number of people who work in low-skill on-location platform work (4.18 million – see Table 4).

Table 14. Summary: numbers of people affected in various ways under each Option in Policy Area B

	B1	B2a	B2b	B2c	B3a (portability element)	B3b (portability element)
Number of people with new actionable rights	0.86 to 2.05 million	1.72 to 4.1 million	<28.3 million	45.91 to 76.85 million	0.96 to 2.09 million	<24.12 million

b) Impacts on platforms

The **number of platforms affected** was estimated using the CEPS dataset.²⁵⁹ Only active platforms were included in the estimates. The active platforms were filtered according to each Policy Option:

- all platforms under B1;
- only those platforms that currently employ workers in B2a;
- all platforms in B2b.

²⁵⁹ Shared with the research team by DG EMPL. The dataset resulted from the CEPS (2021) study 'Digital Labour Platforms in the EU: Mapping and business models,' available [here](#).

The methodology for the costs to platforms under Policy Options B1 -B3b is explained in the report.

6. Calculation of costs and benefits for Policy Area C

The **number of platforms affected** was estimated using the CEPS dataset.²⁶⁰ All active platforms were included in the estimates. The methodology for estimating the costs to platforms is outlined in the report.

²⁶⁰ Shared with the research team by DG EMPL. The dataset resulted from the CEPS (2021) study 'Digital Labour Platforms in the EU: Mapping and business models,' available [here](#).

Annex 4A. Bibliography

- Abraham, K. G., Hershbein, B., & Houseman, S. (2020). Contract work at older ages (No. w26612). National Bureau of Economic Research.
- Adamcová J. and Klesla J. (2017). Shared work: Regulation of labour law relations in the shared economy (Sdílená práce: Regulace pracovně-právních vztahů ve sdílené ekonomice). Prague: Institut pro digitální ekonomiku. Available [here](#).
- Adigital (n. d.). Analysis of the economic impact of the employment of delivery drivers (Análisis del impacto económico de la laboralización de repartidores). Available [here](#).
- Allhutter, D. et al. (2020). Der AMS-Algorithmus. Eine Soziotechnische Analyse des Arbeitsmarktchancen-Assistenz-Systems (AMAS). Institut für Technikfolgen-Abschätzung, Wien. Available [here](#).
- Aloisi, A. (2020). A fascinating chapter in the 'gig' saga. How to deliver decent work to platform workers in Italy? Mutual Learning Programme, DG Employment, Social Affairs and Inclusion, European Union.
- Apouey, B., & Stabile, M. (2020). The Effects of Uber Diffusion on Mental Health in the UK. INSEAD Working Paper No. 2020/12/EPS, Available [here](#) or [here](#).
- Apouey, B., Roulet, A., Solal, I., & Stabile, M. (2020). Gig workers during the COVID-19 crisis in France: financial precarity and mental well-being. *Journal of urban health*, 97(6).
- Bacchi, U., Asher-Schapiro, A. (2020). The gig workers taking legal action to regain control of their data. *Reuters*. Available [here](#).
- Batey, E. (2021). Following Prop 22 Victory, Postmates Slaps California Customers With Biggest Fees Yet. *Eater SF*. Available [here](#).
- Becker, U., & Chesalina, O. (2020). Social Law 4.0. New Approaches for Ensuring and Financing Social Security in the Digital Age. Nomos Verlagsgesellschaft.
- Behrendt, C., Nguyen, Q. A., & Rani, U. (2019). Social protection systems and the future of work: Ensuring social security for digital platform workers. *International Social Security Review*, 72(3).
- Belloc, F. (2019). Why Isn't Uber Worker-Managed? A Model of Digital Platform Cooperatives. Belloc, Filippo, Why Isn't Uber Worker-Managed? A Model of Digital Platform Cooperatives (2019). CESifo Working Paper No. 7708, Available at [SSRN](#).
- Benson, A., Sojourner, A., & Umyarov, A. (2020). Can reputation discipline the gig economy? Experimental evidence from an online labor market. *Management Science*, 66(5).
- Bérestégui, P. (2021). Exposure to Psychosocial Risk Factors in the Gig Economy: A Systematic Review. ETUI Research Paper-Report.

- Berg, J. (2016). Income Security in the On-Demand Economy: Findings and Policy Lessons from a Survey of Crowdworkers, *Comparative Labor Law & Policy Journal*, 37(3).
- Better Regulation Tool #63: Multi-criteria analysis. Available [here](#).
- Boavida, N. et al. (2019). Work in digital platforms: Literature review from Germany, Hungary, Portugal and Spain. 1st Consortium Report of the Project CrowdWork21 - Deliverable 2.1, 25 November 2019. Available [here](#).
- Boeri, T., Giupponi, G., Krueger, A. B., & Machin, S. (2020). Solo self-employment and alternative work arrangements: a cross-country perspective on the changing composition of jobs. *Journal of Economic Perspectives*, 34(1).
- Bojadžijev, M., Mezzadra S. (2020). Debating platform capitalism. *Soft Power*, 239.
- Bonin, H. and Rinne, U. (2017). Omnibusbefragung zur Verbesserung neuer Beschäftigungsformen, Expertise im Auftrag des Bundesministeriums für Arbeit und Soziales, IZA Research Report No. 80.
- Brancati, U., M.C., Pesole, A. and Fernández-Macías, E. (2020). New evidence on platform workers in Europe. Results from the second COLLEEM survey, JRC science for policy report.
- Brancati, U., Pesole, A., & Fernandez Macias, E. (2019). Digital Labour Platforms in Europe: Numbers, Profiles, and Employment Status of Platform Workers (No. JRC117330). Joint Research Centre. Publications Office of the European Union, Luxembourg.
- Brancati, U., Pesole, A., & Fernández-Macías, E. (2020). New evidence on platform workers in Europe. Results from the second COLLEEM survey. Publications Office of the European Union, Luxembourg.
- Bryant, A. (2020). Liquid uncertainty, chaos and complexity: The gig economy and the open source movement. *Thesis Eleven*, 156(1).
- Bulla, M. (2019). Challenges for the Future Development of the European Private International Labour Law, in: UNIVERSAL, REGIONAL, NATIONAL Ways of the Development of Private International Law in 21st Century, Masaryk University Press,. Naděžda Rozehnalová (ed.), ACTA UNIVERSITATIS BRUNENSIS IURIDICA EDITIO SCIENTIA. Available [here](#).
- Butković, H. (2019). Vodič za radnike u digitalnoj ekonomiji Hrvatske, Institut za razvoj i međunarodne odnose, Zagreb.
- Butković, H., & Samardžija, V., (2019). The Digital Transformation of the Labour Market in Croatia. Zagreb: Institute for Development and International Relations. Available [here](#).
- Butschek, S., Amor, R. G., Kampkötter, P., & Sliwka, D. (2019). Paying gig workers- Evidence from a field experiment. CESifo Working Paper No. 7983, Available [here](#).
- Cammaerts, B., & Mansell, R. (2020). Digital Platform Policy and Regulation: Toward a Radical Democratic Turn. *International Journal of Communication*, 14.

- Campos Carvalho, J. (2020). Online Platforms: Concept, Role in the Conclusion of Contracts and Current Legal Framework in Europe. *Cuadernos Derecho Transnacional*, 12.
- Cater, L. (2020). Uber weighs its future in the UK after court ruling. Available [here](#).
- CBS and SEO Onderzoek (2019). Dynamiek op de NL arbeidsmarkt, The Hague.
- Cedefop (2020). Online working and learning in the coronavirus era. Briefing note.
- CEPS and IZA (2018). Online talent platforms, labour market intermediaries and the changing world of work.
- Chambers of Workers (Chambre of Salariés Luxembourg) (2020). Proposition de loi relative au travail fourni par l'intermédiaire d'une plateforme. Luxembourg. Available [here](#).
- Chambers, John C., Satinder K. Mullick, and Donald D. Smith (1971). How to Choose the Right Forecasting Technique. *Harvard Business Review*. Available [here](#).
- Chen, Y., Huang, Y., & Tan, C. H. (2020). Short-term Rental and Its Regulations on the Home-sharing Platform. *Information & Management*, 103322.
- Chicchi, F., Frapporti, M., Marrone, M., & Pirone, M. (2020). Platform, sharing or gig? Ambiguities and ambivalences of the digitalization of the economy. *Soft power*.
- Choudary, S. P. (2018). The architecture of digital labour platforms: Policy recommendations on platform design for worker well-being. *ILO Future of work Research paper series*, 3.
- Christie, N., & Ward, H. (2018). The emerging issues for management of occupational road risk in a changing economy: a survey of gig economy drivers, riders and their managers. London: UCL Centre for Transport Studies.
- Codagnone, C., Abadie, F., & Biagi, F. (2016). The future of work in the 'sharing economy'. Market efficiency and equitable opportunities or unfair precarisation? Institute for Prospective Technological Studies, Science for Policy report by the Joint Research Centre.
- Commissioner for the protection of personal data (2020). Marking sick leaves of employees at Louis Companies using the Bradford factor (Βαθμολόγηση αδειών ασθενείας των εργαζομένων στις Εταιρείες Louis χρησιμοποιώντας τον Συντελεστή Bradford). Ref. 11.17.001.006.043, 25 October 2019, Cyprus, published in February 2020.
- Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation
- Council of the EU (2019). Council Conclusions on the Future of Work: the European Union promoting the ILO Centenary Declaration. Available [here](#).
- Council of the EU (2019). New forms of work: Council conclusions. Available [here](#).
- Cour de cassation [Supreme Court], Ruling of 4 March 2020, Arrêt n° 374 (19-13.316).

- Court of Justice of the European Union (2020). Judgment in Case C-62/19. Available [here](#).
- Cox, M. and Haar, K. (2020). Platform Failures. How short-term rental platforms like Airbnb fail to cooperate with cities and the need for strong regulations to protect housing. Study commissioned by members of the IMCO committee of the GUE/NGL group in the European Parliament.
- Culpepper, P. D., & Thelen, K. (2020). Are we all Amazon primed? consumers and the politics of platform power. *Comparative Political Studies*, 53(2).
- Dagnino, Emanuele (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Thematic Review 2021 on Platform Work: Italy. Luxembourg: Publications Office of the European Union.
- Daskalova, V. (2018). Regulating the new self-employed in the Uber economy: what role for EU competition law?. *German law journal*, 19(3).
- Daugareilh, I., Degryse, C., & Pochet, P. (2019). The platform economy and social law: Key issues in comparative perspective. ETUI Research Paper-Working Paper.
- De Groen, W.P., Kilhoffer, Z., Westhoff, L., Postica, D., Shamsfakhr (2021). Digital labour platforms in the EU: mapping and business models. Final report for the European Commission.
- De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. (2021). Platform work and the employment relationship. Platform work and the employment relationship (No. 995121493302676). International Labour Organization.
- DeVault, I. A., Figueroa, M., Kotler, F. B., Maffie, M., & Wu, J. (2019). On-Demand Platform Workers in New York State: The Challenges for Public Policy.
- Dhéret, C., Guagliardo, S., & Palimariciuc, M. (2019). The future of work: Towards a progressive agenda for all. EPC Issue Paper 9 December 2019.
- Directorate-General for Communication (2016). Flash Eurobarometer 438: The Use of Collaborative Platforms. Available [here](#).
- Directorate-General for Communication (2018). Flash Eurobarometer 467: The use of the collaborative economy. Available [here](#).
- Doherty, M., & Franca, V. (2020). Solving the 'Gig-saw'? Collective Rights and Platform Work. *Industrial Law Journal*, 49(3).
- Doherty, M., & Franca, V. (2020). The (non/) response of trade unions to the 'gig' challenge. *Italian Labour Law e-Journal*, 13(1).
- Duggan, J., Sherman, U., Carbery, R., & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*, 30(1).
- Dunn, M. (2020). Making gigs work: digital platforms, job quality and worker motivations. *New Technology, Work and Employment*, 35(2).
- Dvouletý, O., & Orel, M. (2020). Determinants of solo and employer entrepreneurship in Visegrád countries: findings from the Czech Republic, Hungary, Poland and

Slovakia. *Journal of Enterprising Communities: People and Places in the Global Economy*.

- Ekker, A. (2020). Verzoekschrift ex artikel 15 lid 1 AVG. Available [here](#).
- Engels, S., & Sherwood, M. (2019). What if We All Worked Gigs in the Cloud? The Economic Relevance of Digital Labour Platforms (No. 099). Directorate General Economic and Financial Affairs (DG ECFIN), European Commission.
- Espinoza, Javier (2019). Vestager says gig economy workers should ‘team up’ on wages. *Financial Times*. Available [here](#).
- ETUC (2020). European Social Partners Framework Agreement on Digitalisation. Available [here](#).
- EU Fundamental Rights Agency (EU FRA) (2020). Getting the Future Right. Artificial Intelligence and Fundamental Rights. December 2020.
- EU-OSHA (2020). ESENER 2019. Luxembourg: Publications Office of the European Union. Available [here](#).
- EU-OSHA (n. d.). European directives on safety and health at work. Available [here](#).
- EU-OSHA (n. d.). Safety and health legislation. Available [here](#).
- Eurofound (2018). Employment and Working Conditions of Selected Types of Platform Work. Luxembourg: Publications Office of the European Union.
- Eurofound (2019). Digital Age. Literature review - Online moderately skilled click-work: Employment and working conditions. Publications Office of the European Union, Luxembourg.
- Eurofound (2019). Digital age. Mapping the contours of the platform economy. Publications Office of the European Union, Luxembourg.
- Eurofound (2019). Digital Age. On-location client-determined moderately skilled platform work: Employment and working conditions. Publications Office of the European Union, Luxembourg.
- Eurofound (2019). Digital Age. Platform work: Maximising the potential while safeguarding standards? Publications Office of the European Union, Luxembourg.
- Eurofound (2020). Challenges and prospects in the EU. Labour market change: Trends and policy approaches towards flexibilization. Publications Office of the European Union, Luxembourg.
- Eurofound (2020). Digital age. Back to the future: Policy pointers from platform work scenarios. Publications Office of the European Union, Luxembourg.
- Eurofound (2020). Digital age. Telework and ICT-based mobile work: Flexible working in the digital age. Publications Office of the European Union, Luxembourg.
- Eurofound (2020). Industrial relations. Regulations to address work–life balance in digital flexible working arrangements. Publications Office of the European Union, Luxembourg.

- Eurofound (2020). New forms of employment: 2020 update. Available [here](#).
- European Commission (2003). Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time. Available [here](#).
- European Commission (2008). Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I).
- European Commission (2016). Atypical Employment and the Role of European PES, An exploratory paper, Brussels.
- European Commission (2016). A European Agenda for the Collaborative Economy. Communication from the Commission. COM (2016) 356 final.
- European Commission (2016). A European Agenda for the Collaborative Economy. Communication from the Commission. COM (2016) 356 final.
- European Commission (2018). Proposal for a Council Recommendation on access to social protection for workers and the self-employed. COM (2018) 0132 final - 2018/059 (NLE). Available [here](#).
- European Commission (2018). Proposal for a Council Recommendation on access to social protection for workers and the self-employed. COM (2018) 132 final. Available [here](#).
- European Commission (2019). Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. Available [here](#).
- European Commission (2019). How do online platforms shape our lives and businesses? – Brochure. DG CONNECT.
- European Commission (2019). Recommendation on access to social protection for workers and the self-employed. Available [here](#).
- European Commission (2020). A European strategy for data. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2020) 66 final. Available [here](#).
- European Commission (2020). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a Strong Social Europe for Just Transitions. COM (2020) 14 final. Available [here](#).
- European Commission (2020). Competition: The European Commission launches a process to address the issue of collective bargaining for the self-employed. Available [here](#).
- European Commission (2020). Proposal for a Regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC. COM (2020) 825 final. Available [here](#).

- European Commission (2020). Proposal for a Regulation of the European Parliament and of the on European data governance (Data Governance Act). Brussels, 25.11.2020 COM (2020) 767 final.
- European Commission (2020). Shaping Europe's digital future. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2020) 67 final. Available [here](#).
- European Commission (2020). Study to gather evidence on the working conditions of platform workers. VT/2018/032 Final Report. Luxembourg: Publications Office of the European Union. Available [here](#).
- European Commission (2020). Summary Report on the open public consultation on the Digital Services Act Package. Available [here](#).
- European Commission (2020). White Paper on Artificial Intelligence-A European approach to excellence and trust. COM (2020) 65 Final. Available [here](#).
- European Commission (2021). 2030 Digital Compass: the European way for the Digital Decade. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2021) 118 final. Available [here](#).
- European Commission (2021). Competition: Commission invites stakeholders to provide comments on the application of EU competition law to collective bargaining agreements for self-employed. Available [here](#).
- European Commission (2021). Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation. Available [here](#).
- European Commission (2021). Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts. COM (2021) 206 final. Available [here](#).
- European Commission (2021). Social Situation Monitor. Comparing Social Protection Schemes for the Self-employed across EU-27. Focus on sickness, accidents at work and occupational diseases, and unemployment benefits. Luxembourg: Publications Office of the European Union.
- European Commission (n. d.). Better regulation "Toolbox". Publications Office of the European Union, Luxembourg.
- European Commission (2016). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Online Platforms and the Digital Single Market Opportunities and Challenges for Europe, (2016) 288 final, 2016 May 25th.
- European Commission (2016). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European agenda for the collaborative Economy.
- European Parliament (2008). Regulation (EU) 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations.

- European Parliament (2012). Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.
- European Parliament (2016). Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
- European Trade Union Confederation (ETUC) (2020). National measures to protect non-standard workers including workers in the platform economy. ETUC, Brussels.
- European Union Open Data Portal (n.d.). Available [here](#).
- Eurostat (2021). table lfsa_eppgan, Available [here](#).
- Eurostat (2021). table lfsa_qoe_4ax1r2, Available [here](#).
- Eurostat (2021). table lfsi_sla_q, Available [here](#).
- Eurostat (2021). table soc_ec_ibuy, Available [here](#).
- Eurostat (2021). table tesem110, Available [here](#).
- Eurostat (2021). table tesem190, Available [here](#).
- Eurostat (2021). table tipslm60, Available [here](#).
- Eurostat (2021). table une_ltu_a, Available [here](#).
- Eurostat (2021). table une_rt_a, Available [here](#).
- EurWORK (2018). Platform Work. Eurofound. Available [here](#).
- Fairwork (2020). Fairwork Germany Ratings 2020: Labour Standards in the Platform Economy. Oxford, United Kingdom.
- Fairwork (2020). The Gig Economy and COVID-19: Looking Ahead. Oxford, United Kingdom.
- Fanta, A. (2021). Job center algorithm ends up in supreme court (Jobcenter-Algorithmus landet vor Höchstgericht). Available [here](#).
- Farrell, D., Greig, F. (2016). Paychecks, Paydays, and the Online Platform Economy. Big Data on Income Volatility. JPMorgan Chase & Co. Institute.
- Fernández-Macías, E. (2017). Automation, Digitization and Platforms: Implications for Work and Employment. Eurofound Working Paper, Luxembourg: Publications Office of the European Union.
- Forissier, M., Fournier C. and Puissat, F. (2020). Travailleurs des plateformes : au-delà de la question du statut, quelles protections? French Senate Report. Available [here](#).

- Fredman, S., du Toit, D., Graham, M., Howson, K., Heeks, R., van Belle, J. P., ... & Osiki, A. (2020). Thinking Out of the Box: Fair Work for Platform Workers. *King's Law Journal*, 31(2).
- Frenken, K., van Waes, A., Pelzer, P., Smink, M., & van Est, R. (2020). Safeguarding public interests in the platform economy. *Policy & Internet*, 12(3).
- G1PS (2021). Wolt couriers will be insured against accidents („Wolt” kurjeriai bus apdrausti nuo nelaimingų atsitikimų). Available [here](#).
- Galesic, M., & Bosnjak, M. (2009). Effects of questionnaire length on participation and indicators of response quality in a web survey. *Public opinion quarterly*, 73(2).
- Gandini, A (2018). Labour process theory and the gig economy. *Human Relations*, 72: 1039–1056.
- Gandini, A. (2020). Digital labour: an empty signifier?. *Media, Culture & Society*, 0163443720948018.
- Gandini, A., Pais, I., and Beraldo, D. (2016). Reputation and trust on online labour markets: the reputation economy of Elance. *Work Organisation, Labour & Globalisation*, 10(1).
- Garben, S. (2017). Protecting workers in the Online Platform Economy: An Overview of Regulatory and Policy Developments in the EU. European Risk Observatory Discussion paper EU-Osha. Luxembourg: Publications Office of the European Union, doi, 10, 918187.
- Gasca, L. (2020). Strategic Workforce Planning in the Gig Economy Era. Available [here](#).
- Gerber, C. (2020). Community building on crowdwork platforms: Autonomy and control of online workers?. *Competition & Change*, 1024529420914472.
- Gesetzesantrag der Linken (2020). Gute Arbeit und soziale Sicherheit für Crowd-Worker bei der ortsungebundenen Plattformarbeit. Bundestags-Drucksache, Germany. 19/22122, 8.9.2020.
- Gibbins, P. (2021). Prop 22 Passed: Impact on Drivers in California and Nationwide. The Rideshare Guy Blog and Podcast.
- Goanta, C., & Ranchordás, S. (2020). The regulation of social media influencers: an introduction. In *The Regulation of Social Media Influencers*. Edward Elgar Publishing.
- Gomez-Herrera, E., Martens, B., & Mueller-Langer, F. (2017). Trade, Competition and Welfare in Global Online Labour Markets: A 'Gig Economy' Case Study.
- Graf, C. (2020). Uber rolls out fee for California customers as Prop. 22 takes effect [online]. *The San Francisco Examiner*. Available [here](#).
- Graf, C. (2021). Lyft announces additional fee for California riders to cover cost of Prop. 22 driver benefits [online]. *The San Francisco Examiner*. Available [here](#).
- Graham, M. (2020). Regulate, replicate, and resist—the conjunctural geographies of platform urbanism. *Urban Geography*.

- Graham, M., Woodcock, J., Heeks, R., Mungai, P., Van Belle, J. P., du Toit, D., ... & Silberman, S. M. (2020). The Fairwork Foundation: Strategies for improving platform work in a global context. *Geoforum*.
- Gramano, E. (2019). Digitalisation and work: challenges from the platform-economy. *Contemporary Social Science*.
- Gregory, K. (2021). CA Gig Economy Workers to Blow Whistle on Broken Prop 22 Healthcare Promises.
- Griesbach, K., Reich, A., Elliott-Negri, L., & Milkman, R. (2019). Algorithmic control in platform food delivery work. *Socius*, 5, 2378023119870041.
- Gruber-Risak, M., Warter, J., Berger, C. (2020). Plattformarbeit – was tun? Chamber of Labour, Vienna. Available [here](#).
- Guardiancich, I., and Molina, O. eds (2017). Talking through the Crisis: Social dialogue and industrial relations trends in selected EU countries, Genf: ILO.
- Hall, J. V., and Krueger, A. B. (2015). An Analysis of the Labor Market for Uber's Driver-Partners in the United States. Working Paper 58. Princeton, N.J.: Princeton University, Industrial Relations Section.
- Harpur, P., & Blanck, P. (2020). Gig workers with disabilities: opportunities, challenges, and regulatory response. *Journal of Occupational Rehabilitation*, 30(4).
- Hassard, J., Teoh, K., Cox, T., Cosmar, M., Gründler, R., Flemming, D., Cosemans, B. & Van den Broek, K. (2014). Calculating the cost of work-related stress and psychosocial risks. EU-OSHA. Publications Office of the European Union, Luxembourg.
- Hauben, H. and De Groen, W. P. (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Thematic Review 2021 on Platform Work: The Netherlands. Luxembourg: Publications Office of the European Union.
- Hauben, H., Lenaerts, K. and Kraatz, S. (2020). Platform economy and precarious work: Mitigating risks. Briefing requested by the EMPL Committee. Policy Department for Economic, Scientific and Quality of Life Policies Directorate-General for Internal.
- Heikkilä, M. (2019). Uber plots reconquest of Europe — via smaller countries. POLITICO. Available [here](#).
- Heiland, H. (2020). Workers' Voice in platform labour: An Overview. ECONSTOR.
- Herrera, L., Justie, B., Koonse, T., & Waheed, S. (2020). Worker Ownership, COVID-19, and the Future of the Gig Economy. UCLA: Institute for Research on Labor and Employment.
- Hifr and 3F (2018). Collective Agreement. Available [here](#).
- Hijzen, A., & Schwellnus, C. (2018). Good jobs for all in a changing world of work: The OECD jobs strategy. OECD, Paris, France.
- HK Privat and Voocali.com (2018). HK Privat og tolkeplatformen Voocali.com indgår overenskomst og freelanceaftale. Available [here](#).

- Høgedahl, L., & Rasmussen, E. (2020). Collectivism and employment relations in Denmark: Underpinning economic and social success. *Labour and Industry: Journal of the Social and Economic Relations of Work*.
- Hong, S. J., Bauer, J. M., Lee, K., & Granados, N. F. (2020). Drivers of Supplier Participation in Ride-Hailing Platforms. *Journal of Management Information Systems*, 37(3).
- HOTREC and EFFAT (2019). For a level playing field and fair competition in hospitality and tourism. Joint EFFAT-HOTREC Statement on the Platform Economy. Brussels.
- Hu YJ, Chen J, Zhong WS, Ling TY, Jian XC, Lu RH, Thang ZG, Tao L (2017). Trend analysis of betel nut-associated oral cancer and health burden in China. *The Chinese Journal of Dental Research*, 20(2).
- Huws, U. and Joyce, S. (2016). Österreichs Crowdworkszene: Wie geht es Menschen, die über OnlinePlattformen arbeiten?
- Huws, U., Spencer, N.H. and Coates, S. (2019). The platformisation of work in Europe. Highlights from research in 13 European countries.
- ILO (2019). Policy responses to new forms of work: International governance of digital labour platforms. Background paper prepared for the 2nd meeting of the G20 Employment Working Group under the Japanese G20 presidency (Tokyo, 22-24 April 2019). Available [here](#).
- ILO (2020). Review of international experience in social insurance sickness benefits for gig workers. Policy Brief 1. ILO.
- ILO (2021). The role of digital labour platforms in transforming the world of work. Geneva: ILO.
- ILO (2021). World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work. Geneva: International Labour Office.
- ILO (2021). ILOSTAT database, Available [here](#).
- ILO (2021). World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work, Geneva: ILO.
- ILO and OECD (2020). Ensuring better social protection for self-employed workers. Paper prepared for the 2nd Meeting of the G20 Employment Working Group under Saudi Arabia's presidency.
- Ilse, A. (2020). The Hilfr agreement: negotiating the platform economy in Denmark. Forskningscenter for Arbejdsmarkeds-og Organisationsstudier, Sociologisk Institut, Københavns Universitet.
- Ilse, A., Jesnes, K., & Hotvedt, M. (2020). Social partner responses in the Nordic platform economy. Platform work in the Nordic models: Issues, cases and responses. TemaNord report.
- Ilse, Anna et al. (2020). Hilfr-aftalen – et nybrud i det danske aftalesystem. FAOS/WELMA Analysis. Available [here](#).

- Joyce, S., Neumann, D., Trappmann, V., & Umney, C. (2020). A Global Struggle: Worker Protest in the Platform Economy. ETUI Research Paper-Policy Brief, 2.
- Judgment of the Court (First Chamber) (2014). FNV Kunsten Informatie en Media v Staat der Nederlanden.
- Kaine, S., & Josserand, E. (2019). The organisation and experience of work in the gig economy. *Journal of Industrial Relations*, 61(4), 479-501.
- Kässi, O., Lehdonvirta, V. (2018). Online labour index: Measuring the online gig economy for policy and research. *Technological Forecasting and Social Change*. Volume 137. Available [here](#).
- Keane, E. (2020). Gigging in Ireland. *King's Law Journal*, 31(2).
- Keese, M. (2020). The Future of Work in the Visegrad Group of Countries. *Society and Economy*.
- Kennedy, M. (2017). Medical costs of bike crashes on the rise. *Reuters Health*.
- Kenney, M., Bearson, D., & Zysman, J. (2020). The Platform Economy Matures: Exploring and Measuring Pervasiveness and Power. Available at SSRN 3497974.
- Khoo, K. (2020). Anti-Competitive Mergers in Two-Sided Digital Platform Markets: The Case of Uber-Grab. Available at SSRN 3712823.
- Kilhoffer, Z., De Groen, W. P., Lenaerts, K., Smits, I., Hauben, H., Waeyaert, W., ... & Robin-Olivier, S. (2019). Study to gather evidence on the working conditions of platform workers VT/2018/032 Final Report 13 December 2019.
- Kjellberg, Anders (2020). Den svenska modellen i en oviss tid: Fack, arbetsgivare och kollektivavtal på en föränderlig arbetsmarknad, Stockholm: Arena Idé.
- Koustas, D. (2020). Insights from New Tax-Based Measures of Gig Work in the United States. In CESifo Forum (Vol. 21, No. 03). München: ifo Institut-Leibniz-Institut für Wirtschaftsforschung an der Universität München.
- Koutsimpogiorgos, N., van Slageren, J., Herrmann, A. M., & Frenken, K. (2020). Conceptualizing the Gig Economy and Its Regulatory Problems. *Policy & Internet*.
- Krzywdzinski, M., & Gerber, C. (2020). Varieties of platform work: Platforms and social inequality in Germany and the United States. Weizenbaum Institute for the Networked Society - The German Internet Institute, Berlin.
- Kun, A. (2019). NEWEFIN National Report: Hungary. NEWEFIN Project VS/2018/0046. New Employment Forms and Challenges to Industrial Relations: Improving expertise in the field of industrial relations.
- Kurjerių asociacija (2020). Kurjeriai reikalauja saugesnio darbo ir skaidrumo. 2021-01-13. Available [here](#).
- Kurjerių asociacija (2020). Susitikome su „Wolt“ atstovais. 2020-12-18. Available [here](#).
- Kwan, C. (2020). Deliveroo faces another legal action over an alleged unfair dismissal of deliver rider. ZDNet. Available [here](#).

- Kyzlinková, R., Pojer, P. and Veverková, S. (2018). New forms of employment in the Czech Republic, RILSA, Prague.
- Labour Council (2020). Statement on application of the Working Hours Act on food couriers working through Company X. 5 October 2020. Helsinki: Labour Council. [Työaikalain (872/2019) soveltaminen X Oy:n ruokalähettiläiden työhön. Lausunto TN 1482-20 (ään. 6–3). Available [here](#).
- Lane, M. (2020). Regulating platform work in the digital age. Going Digital Toolkit Policy Note, (1), 23. – restricting service in less populated areas.
- Lehdonvirta, V. (2018). Flexibility in the gig economy: Managing time on three online piecework platforms. *New Technology, Work and Employment*, 33, 13–29.
- Lhernould, J. P. (2020). Intra-EU Cross-Border Platform Work: Hiding Issues of Undeclared Work. *Zbornik Pravnog Fakulteta u Zagrebu* 70, no. 4 (2020).
- Li, S., Liu, Y., & Bandyopadhyay, S. (2010). Network effects in online two-sided market platforms: A research note. *Decision Support Systems*, 49(2).
- Lomas, N. (2021). Uber hit with default ‘robo-firing’ ruling after another EU labor rights GDPR challenge. TechCrunch, April 14, 2021.
- Makó, C., Illéssy, M., & Nosratabadi, S. (2020). Emerging Platform Work in Europe: Hungary in Cross-country Comparison. *European Journal of Workplace Innovation*, 5(2).
- MaltaToday (2020). ‘Your pizza delivery guy has no protection’ – GWU boss denounces gig work, 23 November 2020. Available [here](#).
- MaltaToday (2021). Ministers told of 1,200 workers in ‘illegal’ food delivery and taxi jobs, 16 February 2021. Available [here](#).
- MaltaToday (2021). Union boss urges people not to use food courier services that are akin to ‘slave labour’ Xtra on TVM | Malta’s two largest unions agree that Gig workers in the food courier service need to be protected at law from ‘slave labour’, 21 January 2021. Available [here](#).
- Mao, H., Deng, X., Jiang, H., Shi, L., Li, H., Tuo, L., ... & Guo, F. (2020). Driving safety assessment for ride-hailing drivers. *Accident Analysis & Prevention*, 149, 105574.
- Marenco, M., & Seidl, T. (2020). Talkin’bout Digitalization. A Comparative Analysis of National Discourses on the Digital Future of Work. SocArXiv.
- Maria, T. C. and Henke, A. (2020). Employment Relations via the Web with International Elements: Issues and Proposals as to the Applicable Law and Determination of Jurisdiction in Light of EU Rules and Principles, *European Labour Law Journal*.
- Martinelli, F., Bozzoni, S., Caroli, S. Tamascelli, F. And Guerini, G. (2019). Platform Cooperativism in Italy and in Europe. CIRIEC International.
- Masso, M., Kirsti M., Ingel K. (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Thematic Review 2021 on Platform Work: Estonia. Luxembourg: Publications Office of the European Union.

- Mastercard and Kaiser Associates (2019). Mastercard Gig Economy Industry Outlook and Needs Assessment. Available [here](#).
- Matei, M. (2021). European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. Thematic Review 2021 on Platform Work: Romania. Luxembourg: Publications Office of the European Union.
- Mattila, M. (2019). Työ ja työntekijöiden oikeudet alustataloudessa. Ongelmista ratkaisuihin. Kalevi Sorsa-säätiö, Helsinki.
- Meijerink, J., & Keegan, A. (2019). Conceptualizing human resource management in the gig economy: Toward a platform ecosystem perspective. *Journal of Managerial Psychology*, 34(4), 214–232.
- Mexi, M. (2019). Social Dialogue and the Governance of the Digital Platform Economy: Understanding Challenges, Shaping Opportunities. Background paper for discussion at the ILO-AICESIS-CES Romania International Conference (Bucharest, 10–11 October 2019).
- Ministry of Labour and Social Affairs (Greece) (2021). Completion of Consultation Publication (Ολοκλήρωση Δημοσίευσης Διαβούλευσης). Available [here](#).
- Miriam A. Ch., 'Regulatory Options for Conflicts of Law and Jurisdictional Issues in the On-Demand Economy', Working paper, 8 July 2019. Available [here](#).
- Mission letter from Ursula von der Leyen to Margrethe Vestager. Available [here](#).
- Mission letter from Ursula von der Leyen to Nicolas Schmit. Available [here](#).
- Möhlmann, M., & Zalmanson, L. (2017). Hands on the wheel: Navigating algorithmic management and Uber drivers'. 38th ICIS Proceedings.
- Montebovi, S., Fernandez, A. B., & Schoukens, P. (2020). New Work Forms: How to Integrate Them in Our Social Insurances. *Wirtschaftsdienst*, 100.
- Mordor Intelligence (n. d.). Ride-hailing market - growth, trends, COVID-19 impact, and forecasts (2021-2026). Available [here](#).
- Niebler, V., Altenried, M., & Macannuco, J. (2020). Platform labour: contingent histories and new technologies. *Soft Power*.
- Niebler, V., Altenried, M., & Pirone, M. (2020). Cities between digital innovation and platform labour. *Soft Power*.
- Nilsen, M., Kongsvik, T., & Antonsen, S. (2020). Working conditions and safety in the gig economy—a media coverage analysis.
- Novitz, T. (2020). The Potential for International Regulation of Gig Economy Issues. *King's Law Journal*, 31(2).
- Nowak, M. (2020). Musiałbym mieć nadprzyrodzone moce, żeby robić szybciej. Amazon przegrał z byłym pracownikiem. Available [here](#).
- Occasional Transportation Act (Gelegenheitsverkehrsgesetz) (2021). Austria. Available [here](#).

- OECD (2020). Model Rules for Reporting by Platform Operators with respect to Sellers in the Sharing and Gig Economy. Public consultation document. OECD Publishing.
- OECD (2020). Paid sick leave to protect income, health and jobs through the COVID-19 crisis. Tackling coronavirus (COVID-19). Contributing to a global effort. OECD Publishing.
- OECD (2020). What have platforms done to protect workers during the coronavirus (COVID-19) crisis? Tackling coronavirus (COVID-19). Contributing to a global effort. OECD Publishing.
- OECD, WTO and IMF (2020). Handbook on Measuring Digital Trade. Version 1. OECD Publishing.
- O'Farrell, R., & Montagnier, P. (2020). Measuring digital platform-mediated workers. *New Technology, Work and Employment*, 35(1).
- Office of the Government of the Czech Republic (Úřad vlády České republiky) (2017). Analysis of the sharing economy and digital platforms (Analýza sdílené ekonomiky a digitální platform). Czechia. Available [here](#).
- Oncini, F., Bozzini, E., Forno, F., & Magnani, N. (2020). Towards food platforms? An analysis of online food provisioning services in Italy. *Geoforum*, 114.
- Ostoj, I. (2020). Digital technological platforms—an opportunity or a threat to quality work?. *Social Inequalities and Economic Growth*, 63.
- Owczarek, D. (ed.) (2018). Nowe formy pracy w Polsce, Instytut Spraw Publicznych, Warsaw.
- Ozzip (2021). Amazon: reprimanded, note? Refer back! Organize yourself! (Amazon: Nagana, notatka? Odwołuj się! Organizuj się!). Available [here](#).
- Panagopoulos, G. (2019). Another work accident with a distributor victim (Ακόμη ένα εργατικό δυστύχημα με θύμα διανομέα). *Efsyn*. Available [here](#).
- Park, J. (2021). California gig workers are entitled to a new health care subsidy, but many go uninsured. *The Sacramento Bee*.
- Pashkevich, V., Haftor, D. M., & Pashkevich, N. (2020). The information sector in Denmark and Sweden: Value, employment, wages. *Technological Forecasting and Social Change*, 162, 120347.
- Paul Schoukens and Danny Pieters. (2009). The Rules within Regulation 883/2004 for Determining the Applicable Legislation. 11(1 and 2) *European Journal of Social Security*.
- Pereira, A. C. (2019). Union investigates the situation of couriers for digital delivery platforms. Couriers who work through Glovo require the company to know what insurance exists and what its scope is. *Público*. Available [here](#).
- Pesole et al. (2018). Platform workers in Europe. Evidence from the COLLEEM Survey. JRC Science for Policy Report. Luxembourg: Publications Office of the European Union.

- Petriglieri, G, Ashford, SJ, Wrzesniewski, A (2019). Agony and ecstasy in the gig economy: Cultivating holding environments for precarious and personalized work identities. *Administrative Science Quarterly* 64: 124–170.
- Petropoulos, G., Marcus, J. S., Moës, N. and Bergamini, E. (2019). Digitalisation and European welfare states. Blueprints.
- Piasna, A. (2020). Counting Gigs: How Can we Measure the Scale of Online Platform Work?. ETUI Research Paper-Working Paper.
- Piasna, A., & Drahokoupil, J. (2019). Digital labour in central and eastern Europe: evidence from the ETUI Internet and Platform Work Survey. ETUI Research Paper-Working Paper.
- Polkowska, D. (2020). Platform work during the COVID-19 pandemic: a case study of Glovo couriers in Poland. *European Societies*.
- Popiel, P. (2017). 'Boundaryless' in the creative economy: assessing freelancing on Upwork. *Critical Studies in Media Communication*, 34(3).
- Prassl, J. & Risak, M. (2015). Uber, Taskrabbit, and Co.: Platforms as Employers- Rethinking the Legal Analysis of Crowdwork. *Comp. Lab. L. & Pol'y J.*, 37.
- Rani, U., & Dhir, R. K. (2020). Platform Work and the COVID-19 Pandemic. *The Indian Journal of Labour Economics*, 63(1).
- Ratti, L. (2020). Les deux faces du travail sur plateforme numériques : crowdwork et work on-demand. In: *Revue Pratique de Droit Social*, 6/2020, 12 et seq.in European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. European Commission.
- Razak, Mohamad Idham Md, Roaimah Omar, Maymunah Ismail, Afzan Sahilla Amir Hamzah, Mohd Adnan Hashim (2013). Overview of Zakat Collection in Malaysia: Regional Analysis. *American International Journal of Contemporary Research* Vol. 3 No. 8.
- Reichl, J. MP Praha: Řidiči alternativních taxislužeb mnohdy pracují za otrockých podmínek (Municipal police Prague: Drivers of alternative taxi services often work under slavery conditions). Available [here](#).
- Rincón, G. B., & Martínez, Y. M. (2020). Work/family life by 2040: Between a gig economy and traditional roles. *Futures*, 119, 102544.
- Roman, V. D. (2020). Platform-to-Business Regulation—Where Does it Fit in the EU Antitrust Constellation?. *Journal of European Competition Law & Practice*.
- Rosin, A. (2020). Platform work and fixed-term employment regulation. *European Labour Law Journal*, 2031952520959335.
- Rowe, O. (2021). UK Supreme Court's Uber decision: Implications for gig economy companies [online]. FM Magazine. Available [here](#).
- Sainato, M. (2021). 'I can't keep doing this': gig workers say pay has fallen after California's Prop 22 [online]. the Guardian. Available [here](#).

- Sánchez F.R. (2020). La dimensión laboral de la economía digital reflexiones para un debate en proceso. Informes, Fundación 1º de Mayo, 14 Feb.
- Schlosser, K. (2020). Uber raising trip prices 24% in new year in response to Seattle's new minimum wage law for drivers [online]. GeekWire. Available [here](#).
- Schmidt, F. A. (2017). Digital labour markets in the platform economy: Mapping the political challenges of crowd work and gig work. Bonn: Friedrich-Ebert-Stiftung.
- Schmidt, F. A. (2019). Crowdsourced production of AI Training Data: How human workers teach self-driving cars how to see (No. 155). Working Paper Forschungsförderung, Hans-Böckler-Stiftung, Düsseldorf.
- Schmidt-Kessen, M. J., Bergqvist, C., Jacqueson, C., Lind, Y., & Huffman, M. (2020). I'll call my Union, said the driver-Collective bargaining of Gig Workers under EU Competition Rules. Copenhagen Business School, CBS LAW Research Paper.
- Schor, J. B., Attwood-Charles, W., Cansoy, M., Ladegaard, I., & Wengronowitz, R. (2020). Dependence and precarity in the platform economy. *Theory and Society*, 49(5).
- Siddiqui, Faiz (2021). Where have all the Uber drivers gone?. The Washington Post, May 7, 2021. Available [here](#).
- Šime, Z. (2020). The Future of Work from a Macro-Regional Perspective. Paper prepared for the InGRID-2 Winter School 'Four dimensions of the future of work'. LU Akadēmiskais apgāds, Riga.
- SMEunited (2019). Position Paper on Ranking Transparency Guidelines – Article 5(7) of Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services. Publications Office of the European Union, Luxembourg.
- Söderqvist, Carl Fredrik and Bernhardt, Victor (2019). Labor Platforms with Unions: Discussing the Law and Economics of a Swedish collective bargaining framework used to regulate gig work. Swedish Entrepreneurship Forum, Working Paper 2019:57, WP_57.pdf (entreprenorskapsforum.se).
- SOU (2017). A working life in change - how is the responsibility for the work environment affected? (Ett arbetsliv i förändring – hur påverkas ansvaret för arbetsmiljön?). Report of the Inquiry into work environment rules for a modern working life (Betänkande av Utredningen om arbetsmiljöregler för ett modernt arbetsliv). Stockholm.
- Spasova, S., Bouget, D., Ghailani, D., & Vanhercke, B. (2017). Access to social protection for people working on non-standard contracts and as self-employed in Europe. A study of national policies, European Social Policy Network (ESPN), Bruxelles, Commission européenne.
- Sprague, R. (2020). Are Airbnb Hosts Employees Misclassified as Independent Contractors?. *University of Louisville Law Review*, 59.
- SSCU (2019). Digitaalinen jalanjälki: Työn muuttuminen alustamiseksi Euroopassa.
- Staab, P. and Geschke, S. (2019). Ratings als arbeitspolitisches Konfliktfeld. Hans-Böckler-Stiftung, Hans-Böckler-Straße, Düsseldorf.

- Stanton, C. T., & Thomas, C. (2020). The Gig Economy Beyond Local Services and Transportation. In CESifo Forum (Vol. 21, No. 03). München: ifo Institut-Leibniz-Institut für Wirtschaftsforschung an der Universität München.
- State Tax Inspectorate of Lithuania (2021). Statistiniai duomenys (Statistical data). Duomenys apie gyventojų, vykdančių individualią veiklą pagal pažymą, pagrindines vykdomas veiklas (Data about residents holding individual activity certificates and their primary activities), 2016-2020. Available [here](#).
- Statistics Finland (2017). Labour force survey – Platform Jobs 2017, Helsinki.
- Staudacher, A. (2020). Data protection authority turns off the AMS algorithm (Datenschutzbehörde dreht den AMS-Algorithmus ab). Available [here](#).
- Stewart, P., Shanahan, G., & Smith, M. (2020). Individualism and Collectivism at Work in an Era of Deindustrialization: Work Narratives of Food Delivery Couriers in the Platform Economy. *Frontiers in Sociology*, 5.
- Szpejna, M. and Boudalaoui-Buresi, Z (2020). The scope of EU labour law. Available [here](#).
- Szymczak, J. (2021). Amazon otwiera sklep w Polsce. Może udusić konkurencję, zanim UE go powstrzyma. Available [here](#).
- Tassinari, A., & Maccarrone, V. (2020). Riders on the storm: Workplace solidarity among gig economy couriers in Italy and the UK. *Work, Employment and Society*, 34(1), 35-54.
- Ter Weel, B. et al. (2020). Meting Kluseconomie. Amsterdam: SEO Economisch Onderzoek.
- The French Senate (2020). Minutes of the Social Affairs Committee. Draft law relating to the status of workers on digital platforms - Examination of the report and the text of the committee (Proposition de loi relative au statut des travailleurs des plateformes numériques - Examen du rapport et du texte de la commission). Available [here](#).
- The International Bar Association Global Employment Institute (2019). Eighth Annual Global Report National regulatory trends in human resources law. The International Bar Association Global Employment Institute.
- The Minister of Labour speech to the European Council, 3rd December 2020. Speech Available here. <https://video.consilium.europa.eu/event/en/24236>
- The Union of Journalists in Finland (2018). ITSET Group: self-employed must have bargaining powers. Available [here](#).
- Times of Malta. (2021). Crackdown on over 1,200 'illegal' courier driver contracts, February 16. Available [here](#).
- Tomeš, M. (2017). Businessmen are catching up with Uber, employing drivers. However, it is not easy for the drivers to make money (Uberu se chytají podnikatelé, zaměstnávají vlastní řidiče. Ti si však nevydělají snadno). Available [here](#).
- Toxtli, C., Richmond-Fuller, A., & Savage, S. (2020). Reputation Agent: Prompting Fair Reviews in Gig Markets. In Proceedings of The Web Conference 2020.

- Uber (2021). A Better Deal. Partnering to improve platform work for all. Available [here](#).
- Unionen (2018). The platform economy and the Swedish model (Plattformsekonomin och den Svenska modellen). Stockholm.
- United Nations (2020). Policy Brief: The World of Work and COVID-19. United Nations Publications.
- Urssaf (2021). 'Auto-entrepreneurs, par secteur d'activité'. Available [here](#).
- Van Doorn, N. (2020). From a Wage to a Wager: Dynamic Pricing in the Gig Economy. *Autonomy.Work*.
- Van Doorn, N., & Badger, A. (2020). Platform Capitalism's Hidden Abode: Producing Data Assets in the Gig Economy. *Antipode*, 52(5).
- Van Doorn, N., Ferrari, F., & Graham, M. (2020). Migration and migrant labour in the gig economy: an intervention. Available at SSRN.
- Vandaele, K. (2018). Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe. Working Paper, European Trade Union Institute.
- Vandaele, K., Piasna, A., & Drahoukoupil, J. (2019). 'Algorithm breakers' are not a different 'species': attitudes towards trade unions of Deliveroo riders in Belgium. Are not a Different 'Species': Attitudes Towards Trade Unions of Deliveroo Riders in Belgium (June 12, 2019). ETUI Research Paper-Working Paper.
- Veen, A., Barratt, T., & Goods, C. (2020). Platform-capital's 'app-etite' for control: A labour process analysis of food-delivery work in Australia. *Work, Employment and Society*, 34(3).
- Vukorepa, I. (2020). Cross-Border Platform Work: Riddles for Free Movement of Workers and Social Security Coordination. *Zbornik PFZ*, 70.
- Waddington, Jeremy, Torsten Müller, and Kurt Vandaele (2019). 'Setting the Scene: Collective Bargaining under Neoliberalism', in Torsten Müller, Kurt Vandaele and Jeremy Waddington (eds) *Collective Bargaining in Europe: Towards an Endgame*, Brussels: ETUI.
- Wage and Hour Division, Department of Labour of the US (2021). Independent Contractor Status under the Fair Labour Standards Act (FLSA): Withdrawal. Available [here](#).
- Westregård, A. (2020). Who counts as an employer in Sweden?. *Italian Labour Law e-Journal*, 13(1).
- Whiterow, P. (2021). Uber says reclassification of UK drivers cost US\$600mIn [online]. Proactiveinvestors UK. Available [here](#).
- Williams, C., Vila, M. L., & Horodnic, A. (2020). Tackling undeclared work in the collaborative economy and bogus self-employment. Available at SSRN 3707054.
- Win, S. (2020). The Bill That Disrupted the Gig Economy: AB-5 and Uber's Troubling Response. *GGU Law Review Blog*, 71.

- Wood, A. J., Graham, M., Lehdonvirta, V., & Hjorth, I. (2019). Good gig, bad gig: Autonomy and algorithmic control in the global gig economy. *Work, Employment and Society*, 33(1).
- Wood, A. J., Graham, M., Lehdonvirta, V., & Hjorth, I. (2019). Networked but commodified: The (dis)embeddedness of digital labour in the gig economy. *Sociology*, 53(5).
- Woodcock, J. (2020). The algorithmic panopticon at Deliveroo: Measurement, precarity, and the illusion of control. *Ephemera: theory & politics in organization*, 20(3).
- World Economic Forum (2020). Charter of principles for good platform work. Geneva, Switzerland: World Economic Forum.
- World Economic Forum (2020). Platform for Shaping the Future of the New Economy and Society. The Promise of Platform Work: Understanding the Ecosystem. Geneva, Switzerland: World Economic Forum.
- World Economic Forum (2020). The Future of Jobs Report 2020. Available [here](#).
- World Economic Forum. Platform for Shaping the Future of the New Economy and Society (2020). The promise of platform work: understanding the ecosystem. World Economic Forum, Geneva, Switzerland. Available [here](#).
- World Economic Forum. Platform for Shaping the Future of the New Economy and Society (2020). The Promise of Platform Work: Understanding the Ecosystem.
- Yan, T., Conrad, F. G., Tourangeau, R., & Couper, M. P. (2011). Should I stay or should I go: The effects of progress feedback, promised task duration, and length of questionnaire on completing web surveys. *International Journal of Public Opinion Research*, 23(2).
- Zhou, I. (2020). Digital labour platforms and labour protection in China (No. 995098992402676). *International Labour Soft Power*.

Annex 4B. Data from the web: methodology and exploratory analysis

1. Methodology

To better understand the prevalence of platform work and skills profiles of people working through platforms, we automatically collected worker pay and skills data from four major international digital labour platforms for online service provision, popular among EU freelancers: **Freelancer.com**, **Guru.com**, **PeoplePerHour.com** and **Upwork.com**. The exercise covered nine Member States selected for the more in-depth data collection and analysis for the impact assessment: Denmark, France, Germany, Italy, Lithuania, Netherlands, Poland, Romania and Spain.

The selection of these specific platforms was influenced by several aspects.

- First, these are international websites, which have notable numbers of workers from all the EU-27, and most popular among many of them.
- Second, these platforms are also the ones used for the Online Labour Index (OLI), so this provides opportunities to combine the datasets in various analyses. According to their data, these websites take up most of the global traffic to digital labour platforms.
- Third, these platforms are not strictly specialized, and list a variety of jobs, requiring a variety of skills and qualifications (as opposed, for example, to platforms focusing specifically on designers, programmers or translators, etc.). This allows to explore the differences between workers in different online occupations.
- Finally, the websites of these platforms display the information in such a way which is especially convenient for data scraping (i.e., they provide skills and the hourly rate data in search results, which can be easily filtered by country).

To collect the data, we filtered all the freelancers available on the platform by country of interest. The search results, which we scraped, are presented as brief profiles of persons working through platforms²⁶¹. After scraping each platform, the resulting datasets were cleaned from duplicates (those resulting from the data collection activities, as well as duplicated profiles actually present on the platforms based on their descriptions), merged into a single database, and further coded to enable more detailed analysis. The key coding efforts were directed at developing the following new variables:

- **Activity.** Generally, many workers who register on web-based work platforms never manage to secure work assignments. This phenomenon has been discussed in literature as oversupply of platform labour, contributing to the precariousness of such labour activities²⁶². We therefore used the proxy variables provided by platforms to understand the activity rates of people working through platforms. More specifically, we classified workers with proof of least one task successfully completed as active. Proxy indicators for this varied by platform:
 - Upwork: total earnings (at least USD 1).
 - Guru: yearly earnings (at least USD 1).
 - Freelancer and PeoplePerHour: review count (at least 1).
- **Occupation.** At least one of six occupations were ascribed to each person working on the specific platform using the same classification as applied by the iLabour Project²⁶³, which is also in line with the conceptual framework presented for online platform work used for the impact assessment. To ascribe the people working through platforms to specific occupations, we used as keywords information from the 'tags' of worker skills provided by each platform (see the

²⁶¹ No personal data was collected in the process.

²⁶² Graham, M., & Anwar, M. (2019). The global gig economy: Towards a planetary labour market?. *First Monday*, 24(4).

Sutherland, W., Jarrahi, M. H., Dunn, M., & Nelson, S. B. (2020). Work Precarity and Gig Literacies in Online Freelancing. *Work, Employment and Society*, 34(3), 457-475.

²⁶³ Please see the detailed methodology in Kassi (2016). "How is online work classified in the OLI?". Available [here](#).

table below). After running the code with the presented keywords, remaining observations without assigned occupations were reviewed and coded manually. Each occupation could be coded with more than one occupation, as a manual review revealed that skills falling under different categories are presented in the profiles of numerous freelancers. A small number of observations remain without occupation coding as no sufficient information was provided to assign at least one of the occupations.

Table 15. Coding of occupations

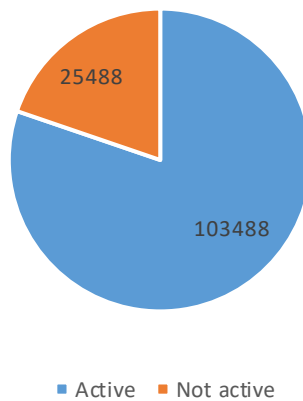
Occupation	Coding keywords
Clerical and data entry	Customer Service, Data Entry, Transcription, Excel, Web Search, Customer Support, Call Center, Account management, Typing, Word, Procurement, Event Planning, Virtual Assistant, PowerPoint, Microsoft Office, PDF, Administrative Support.
Creative and multimedia	Animation, Graphic Design, Photography, Audio, Logo, Infographics, User Interface, Photoshop, Design, Illustration, Logo, Illustrator, Art, Artist, Cartoon, Caricature, 3D, CATIA, AutoCAD, Crafts, Drawing, Painting, Video, Music, Cinema, Voice, Corel Draw, Solidworks, Graphics, Cinematography, Adobe Lightroom, Adobe Premiere Pro, Comics, Visualization, Photo, Rendering, Sketching, CAD/CAM, After Effects, 4D, Singing, Acting, Sound Design, Adobe Flash, GIMP, Animate, Vynod, Creative, UX/UI, UI, UX, Vocals, Piano, Retouching.
Professional services	Accounting, Legal, Project management, Building Architecture, Mechanical Engineering, Chemical Engineering, Audit, Metatrader, Finance, Business Analysis, Business Plan, Tutoring, Market Research, Power BI, Electronics, Statistics, Business Intelligence, Medicine, Medical, Data Analytics, Business Analytics, Consulting, Psychology, Coaching, MATLAB, Human Resources, Teaching, Lecturing, Genealogy, Electrical Engineering, Biotechnology, Attorney, Academic, Mathematics, Physics, Tableau, Trading, Civil Engineering, Aerospace, Law, Dynamic 365, Geotechnical, Patent, Strategy, Atlassian, Financial, Jira, Recruitment, Account Payables Management, A/R Management, Revit, Nintex, Autodesk, Risk Management, Planning, Microsoft Project, Cryptocurrency, SPSS, Research, Management Skills, Epidemiology, Team Management, Project Documentation, Budget Planning, Scrum, Product Management, Project Plan, Business Case.
Sales and marketing support	Lead Generation, Advertising, SEO, Marketing, Facebook, Sales, Telemarketing, CMS, Classifieds Posting, Google Adwords, Instagram, CRM, TikTok, Shopify, Branding, eCommerce, Reviews, Amazon, eBay, Alibaba, Conversion Rate, YouTube, Buyer Sourcing, Prestashop, Google, Sales, Advertisement, Social Media.
Software development and technology	Automation, Data Science, Programming, Mobile, Development, Software, AI, Python, PHP, Java, CSS, HTML, C++, Programming, Scraping, .NET, AJAX, Linux, Developer, Android, Apple, Geolocation, AngularJS, WordPress, Node.js Computer Science, PHP, Joomla, Computer, Database, Robotics, Game Development, Azure, LabVIEW, Scrip, UNIX, MySQL, Technical Support, Network, iPhone, DNS, Security, Machine Learning, Cloud, Cisco, ASP, DevOps, Xamarin, Magento, Drupal, Bootstrap, Selenium, Microsoft Access, Debugging, Telecom, Data Mining, Data Extraction, Technology, Windows, Testing, Clojure, CUDA, SCADA, Vectorization, Informatica, IoT, iPad, Bluetooth, Angular, Apache, SDL, Data Management, Digital Asset Management, Data Migration, MSI, Virtual Reality, Worldbuilding, Gaming.
Writing and translation	Writer, Article, Writing, Copywriting, Translation, Editing, Proofreading, Grammar, Spelling, English, Polish, German, Lithuanian, Spanish, Danish, Dutch, French, Italian, Romanian, Turkish, Russian, Slogans, Portuguese, Greek, Arabic, Czech, Hungarian, Norwegian, Japanese, Chinese, Hindi, Blog, Estonian, Subtitles.

2. Exploratory analysis

The total number freelancer profiles from the nine selected countries on the four selected platforms amounted to 128,976 in total. This can be treated as the full population of the

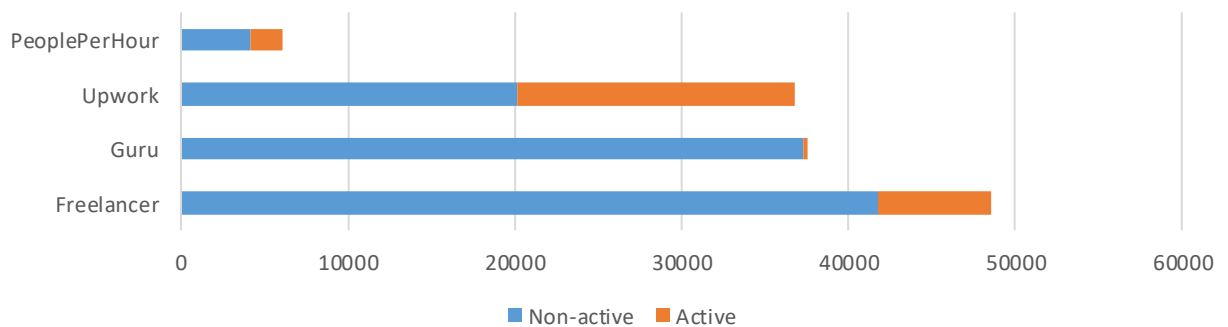
freelancers defined by these characteristics (country and platform) at the time of data collection. Interestingly and in line with earlier research, out of this total number of registered users, only 20% have ever completed a task²⁶⁴. These are further referred to as ‘active workers’.

Figure 1. Active and non-active workers



The numbers of registered freelancers from the nine selected countries differed notably by platform: while Freelancer had the most registered workers, PeoplePerHour – the least. Another interesting aspect is the levels of worker activity by platform. While almost half of the workers registered on Upwork have ever completed a task, this number is extremely low on Guru. This could be a result of different platform approaches to managing labour supply, as indicated in an interview with Upwork and desk research.

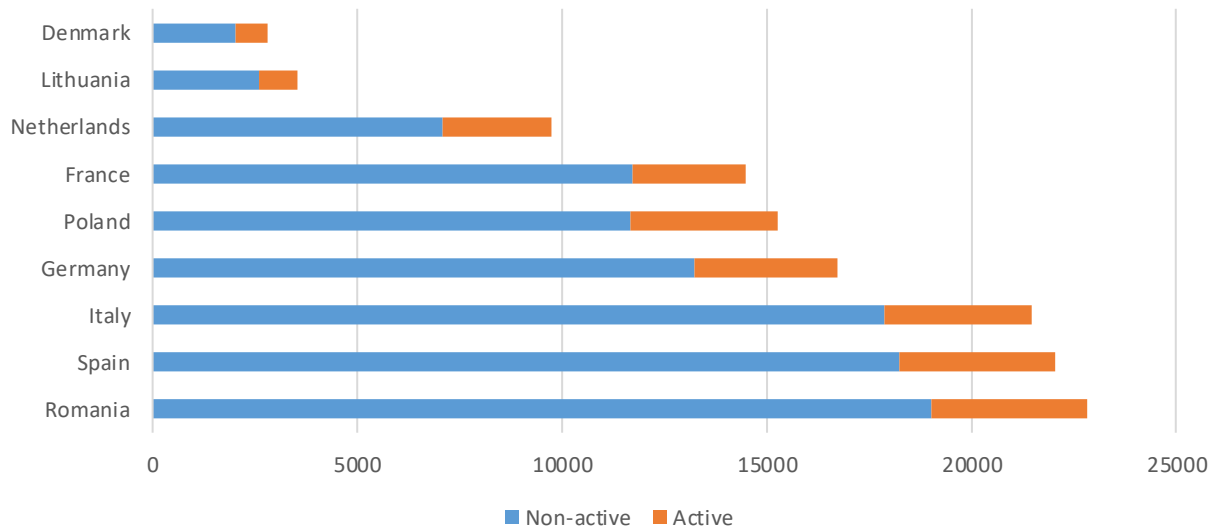
Figure 2. Registered workers by platform



The numbers of workers per country correlated to some extent with country size: generally larger countries had more registered freelancers than smaller Member States.

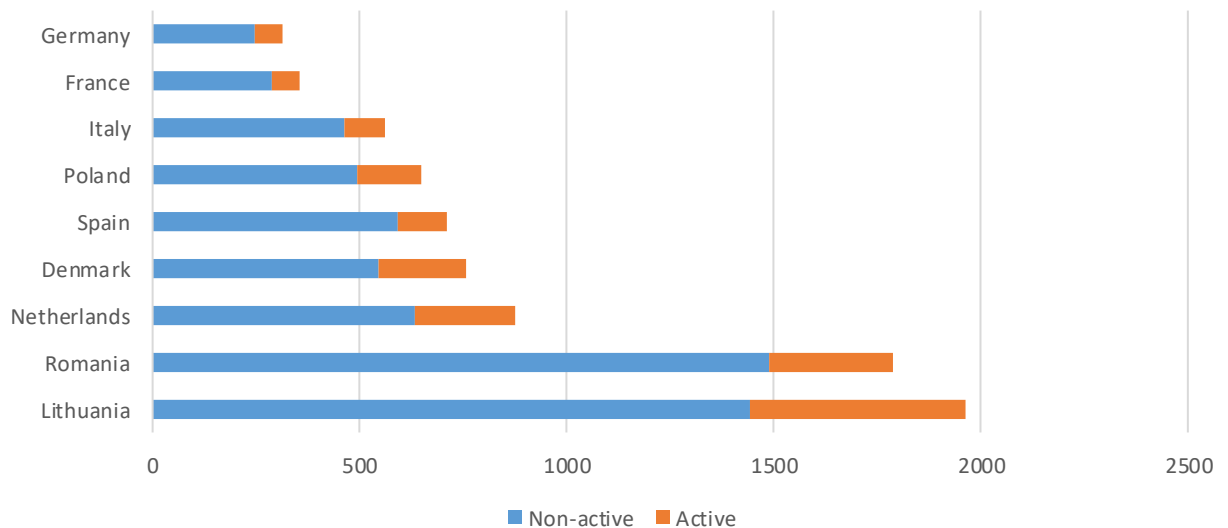
²⁶⁴ That is, earned at least USD 1 or have at least one client review. The proxies differ by platform, as they tend to present different metrics in freelancer profiles.

Figure 3. Numbers of registered workers per country



However, when controlling for the size of working age population (using Eurostat data), it is clear that in some countries online platform work is relatively more prevalent than others. While Lithuania and Romania are at the higher end of this scale, France and Germany show considerably lower levels of prevalence.

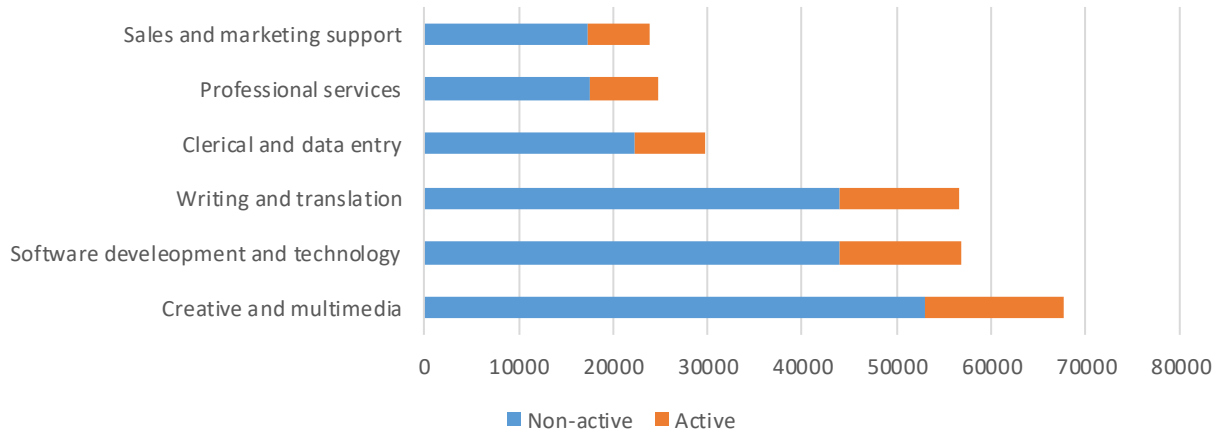
Figure 4. Registered workers per 1 million working age population



Most of the freelancers registered on the four analysed platforms offered creative or multimedia services. The second occupational category in numbers of freelancers was software development and technology work, followed by a close third – writing and translation. Sales and marketing support, professional services and clerical services had notably fewer freelancers. The distribution and ranking of occupations did not differ very significantly by platform. Interestingly, these occupational categories rank the same way in terms of the numbers of *active workers*, showing that the level of competition within these occupational categories tends to be similar. As mentioned, it might be a result of pro-active measures taken by platforms: in some cases, they control the supply or

workers by not allowing new workers to register in occupations with large workers supply, or by putting them on waiting lists.

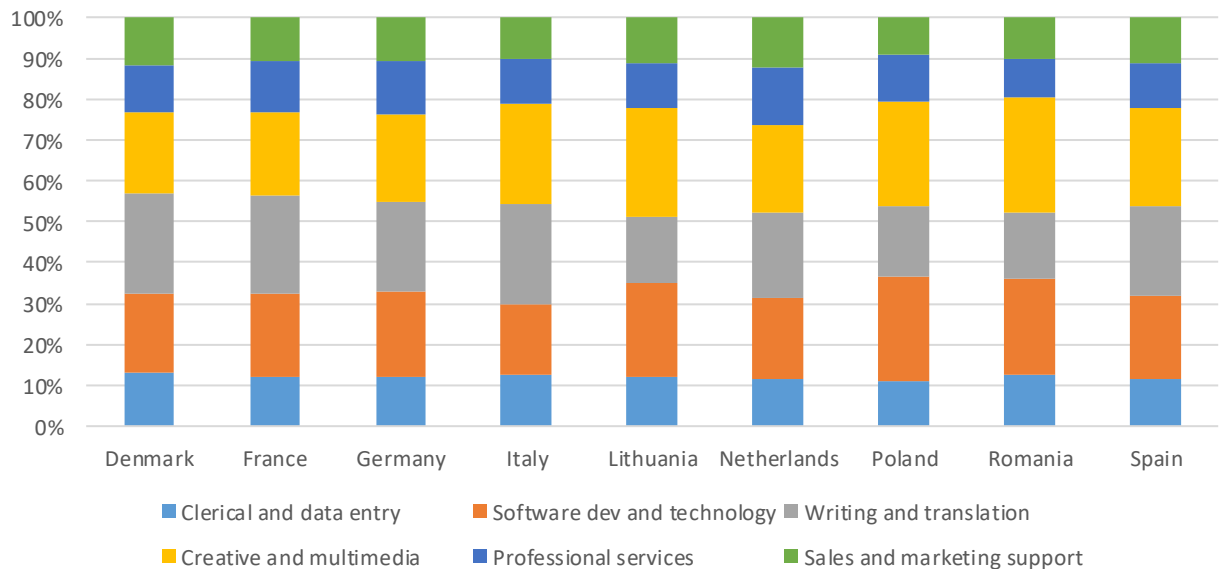
Figure 5. Number of registered workers by occupation



Note: the coding of occupations is not mutually exclusive: the same worker could have been assigned to several occupations during the data coding, based on the information that they provided in their profile and skills description.

The distribution of skills profiles by country is also rather similar. Most active workers from all the selected countries engage in creative and multimedia, software development and technology, and writing and translation work.

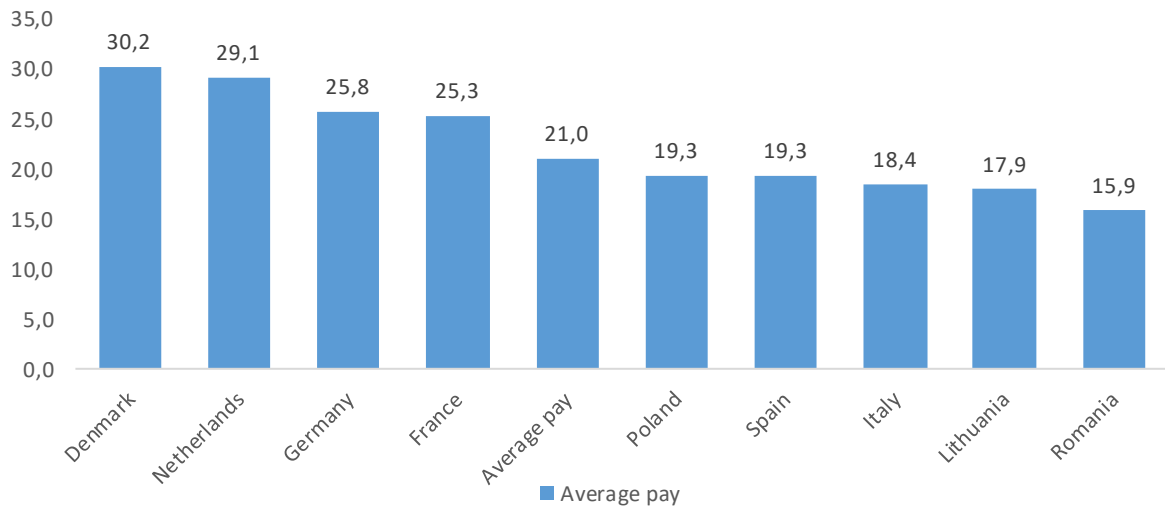
Figure 6. Distributions of occupations of active workers by country



Note: the same worker could have been assigned to several occupations.

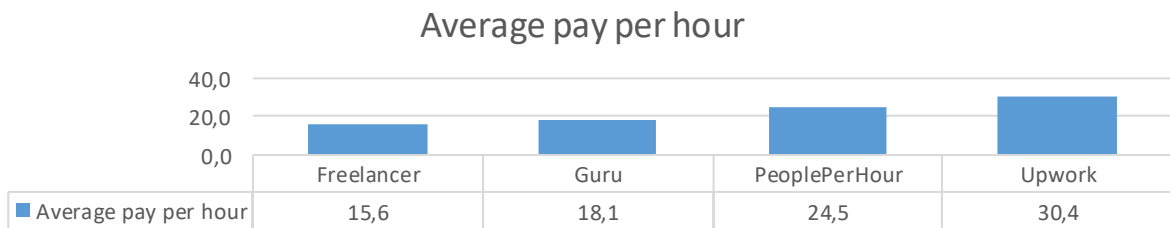
Speaking about the income from work via these platforms, the average hourly rates (in USD) indicated in the worker profiles, differ both by platform (from USD 15.6 on Freelancer, to USD 30.4 on Upwork) and by country (from USD 15.9 by Romanian workers to USD 30.2 by Danish workers).

Figure 7. Average hourly rates of registered workers by worker country, USD



Freelancers on Upwork seem to indicate the highest rates for the work. Based on an interview with the platform, this is also likely related to the measures applied by the platform to encourage the workers to gradually raise their rates.

Figure 8. Average hourly rates of registered workers by platform, USD



However, it is important to note that these hourly rates are gross amounts, which also have to cover platform fees, as well as national taxes. The fees commission fees for freelancers differ slightly by platform too:

- Upwork charges freelancers based on their lifetime earnings with each client²⁶⁵:
 - 20% for the first USD 500;
 - 10% for total billings between USD 500.01 and USD 10,000;
 - 5% for total billings exceeding USD 10,000.
- PeoplePerHour follows a similar approach²⁶⁶, yet with more favourable brackets – which likely allow freelancers to lower their hourly rates on this platform:
 - 20% for the first USD 350;
 - 7.5% for total billings between USD 350.01 and USD 7,000;
 - 3.5% for total billings over USD 7,000.
- Freelancer.com charges workers based on type of work and type of client matching²⁶⁷:

²⁶⁵ Available [here](#).

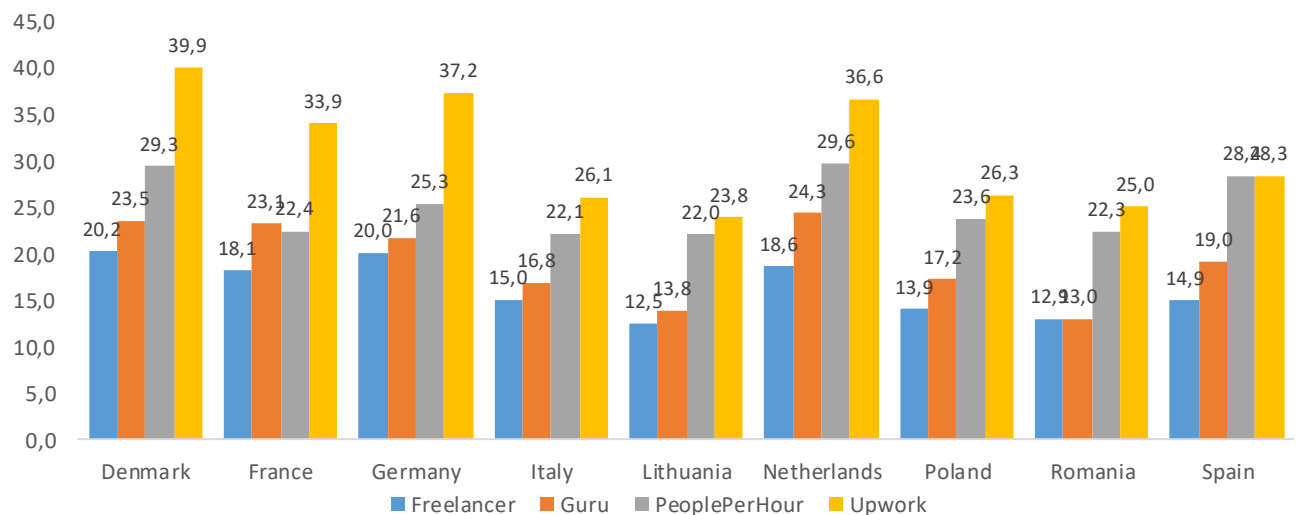
²⁶⁶ Available [here](#).

²⁶⁷ Available [here](#).

- For projects: in hourly projects, the fee is levied on each payment and is made by the employer/ client; in fixed priced projects, the fee is 10% or USD 5.00, whichever is greater.
- For contests: The freelancer contest fee is 10% or USD 5.00, whichever is greater.
- For services after the contest: 20% fee of the total service price is charged.
- Freelancers in ‘Preferred Freelancer Program’, are charged 15% project fee.
- On Guru, fees depend on the type of membership plan that freelancer subscribes to (varying from free to USD 50/ month), which differ by price. The size of the fee varies from 9% to 5%.²⁶⁸

Differences in hourly pay both by country and by platform remain if we cross-tabulate these two factors.

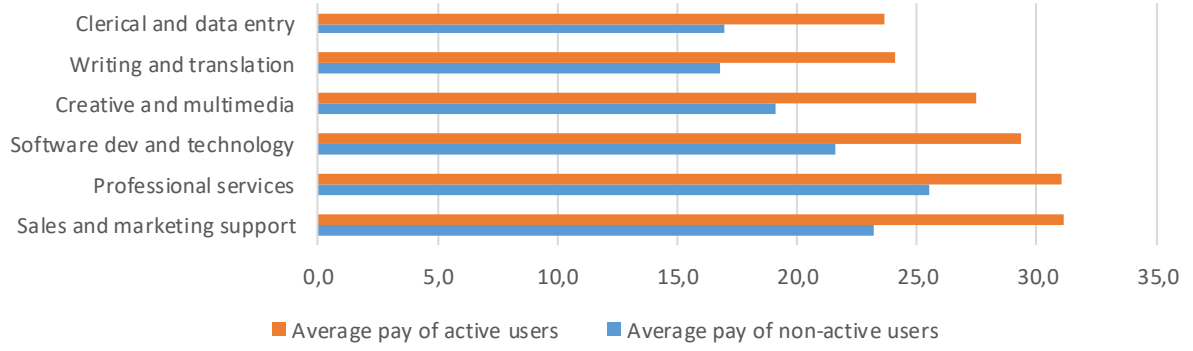
Figure 9. Average hourly rates of registered workers by worker country and platform, USD



Finally, the breakdown of the average rates by activity and occupation reveals additional details. First, as expected, clerical and data entry work, which is of lower complexity and requiring lower skills, is paid the least, while services requiring more specific and higher-level skills are paid more. Second, the rates of freelancers who have ever conducted a task (i.e., are classified here as active) are considerably higher than the rates of those who have not. This was true across all countries and all platforms (except Upwork, where the average hourly rates of active and non-active workers were virtually the same). This might illustrate the fact of the difficulties of starting off for newly registered members, who face difficulties of securing tasks even with notably lower rates. This also brings forward the importance of reputational data for success on platforms, and the importance of its potability.

Figure 10. Average hourly rates of active and non-active users by occupation, USD

²⁶⁸ Available [here](#).



Annex 4C. Methodology for the national measures review and clustering

1. EU Member States

Our team of national experts carried out a review of the latest policy developments regarding platform work and algorithmic management in each EU Member State. National experts captured the information available not only in English, but also in national languages. During the inception phase, we developed a data collection template, available at the end of the section. The template ensured that the data collected are comparable. The key research questions included:

- Employment status and its determination for people working through platforms.
- Policies regulating the working conditions of people who work through platforms.
- Initiatives addressing health and safety of people who work through platforms.
- Initiatives regulating access to social security for people who work through platforms.
- Collective bargaining rights of people working through platforms.
- Policies regulating data protection and data portability of people who work through platforms.
- Initiatives addressing the extent of algorithmic management permitted in the workplace—for both people working through platforms and other workers who encounter algorithmic management practices in their work.
- Overarching questions, such as the possible future development of policies relevant for platform work and the existence of any studies that assess the effects of the enacted policies or initiatives.

Given prior studies that provide an overview of platform work regulations in Europe²⁶⁹ national experts focused mostly on the developments starting in July 2019 and onwards, unless other earlier initiatives were key to understanding the country context. In terms of scope and structure of inputs, the review included:

- legislation;
- other policy documents;
- case law;
- actions of public bodies or inspectorates;

²⁶⁹ European Commission (2020). Study to gather evidence on the working conditions of platform workers. VT/2018/032 Final Report. Luxembourg: Publications Office of the European Union; European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies (draft versions were shared with the research team on 2021-03-31); Eurofound (2020). Platform economy initiatives. Available [here](#); 2020 Peer Country Comments Papers, Available [here](#).

- collective agreements and social partner initiatives;
- actions by platforms;
- actions by people who work through platforms.

The policy review of policy measures and regulations in the EU-27 fed into **hierarchical cluster analysis**.²⁷⁰ It is a quantitative method for identifying groups of cases that have similar characteristics across a set of variables. The main advantage of the hierarchical cluster analysis is that it allows us to work with a large number of indicators, and provides very precise clusters of countries, based on mathematical calculations. For this specific case, Nevertheless, Ward’s method and Gower’s dissimilarity measure were used to cluster countries together as this allowed us to input both categorical and numeric data.²⁷¹

To prepare for it, the existing and new information of measures planned or implemented in Member States was coded by the researchers experienced in such analysis into a number of binary and ordinal variables with numeric values. Distinction was made between initiatives that applied specifically to low-skilled people working through on-location platforms, and those initiatives that targeted other groups (low and high-skilled people working through online platforms; high-skilled people working through on-location platforms). This is because initiatives targeting low-skilled on-location platforms were quite prevalent, but this was not the case with other groups.

After the coding step, key variables were selected for analysis, by which countries clearly varied. These are summarised in the table below.

Table 16. Key variables selected for analysis

Variable in Annex 4C	Description	Coding structure
empl_low_onlocation	The presence of any initiatives that specifically address the employment status of low-skilled people working through on-location platforms	1 – yes 0 – no
empl_other	The presence of any initiatives that specifically address the employment status of other people working through platforms	1 – yes 0 – no
third_status	Whether the third status is present in the country	0 - none 1 - discussed 2 - in force
employees	Evidence that at least some people working through platforms are treated as employees by platforms	1 – yes 0 – no
intermediaries	The presence of intermediaries, including temporary work agencies intermediating the relations between platforms and service providers	1 – yes 0 – no

²⁷⁰ Bridges CC. (1966). Hierarchical Cluster Analysis. *Psychological Reports* 18(3):851-854. doi:10.2466/pr0.1966.18.3.851

²⁷¹ Van de Velden, Michel; Iodice D'Enza, Alfonso; Markos, Angelos (2018). Distance-based clustering of mixed data. *Wiley Interdisciplinary Reviews: Computational Statistics*, e1456-. doi:10.1002/wics.1456

Variable in Annex 4C	Description	Coding structure
working_time	The presence of any initiatives that specifically address the working time of people working through platforms	1 – yes 0 – no
earn_low_onlocation	The presence of any initiatives that specifically address the earning levels of low-skilled people working through on-location platforms	1 – yes 0 – no
earn_others	The presence of any initiatives that specifically address the earning levels of other people working through platforms	1 – yes 0 – no
training_any	The presence of any initiatives that specifically address access to training for people working through platforms	1 – yes 0 – no
transparency_any	The presence of any initiatives that specifically address the transparency and predictability of platform work	1 – yes 0 – no
osh_any	The presence of any initiatives that specifically address health and safety of people who work through platforms, including insurance against accidents at work	1 – yes 0 – no
parental	Entitlements for the self-employed: paid parental leave	0 – no 1 – yes, conditionally 2 – yes
sick	Entitlements for the self-employed: paid sick leave	0 – no 1 – yes, conditionally 2 – yes
health_insurance	Entitlements for the self-employed: access to public health insurance	0 – no 1 – yes, conditionally 2 – yes
leave	Entitlements for the self-employed: paid annual leave	0 – no 1 – yes, conditionally 2 – yes
incapacity	Entitlements for the self-employed: incapacity benefits	0 – no 1 – yes, conditionally 2 – yes
pension	Entitlements for the self-employed: pension	0 – no 1 – yes, conditionally 2 – yes
unemployment	Entitlements for the self-employed: unemployment benefits	0 – no 1 – yes, conditionally 2 – yes
algo_management	The presence of any initiatives that specifically address algorithmic management	1 – yes 0 – no
data_any	The presence of any initiatives that specifically address data protection or data portability of people who work through platforms	1 – yes 0 – no
self_org_low_online	Available examples of successful self-organisation or collective action among low-skilled people working through online platforms	1 – yes 0 – no
self_org_high_online	Available examples of successful self-organisation or collective action among high-skilled people working through online platforms	1 – yes 0 – no

Variable in Annex 4C	Description	Coding structure
self_org_low_onlocation	Available examples of successful self-organisation or collective action among low-skilled people working through on-location platforms	1 – yes 0 – no
self_org_high_onlocation	Available examples of successful self-organisation or collective action among high-skilled people working through on-location platforms	1 – yes 0 – no
dlp	Definition of a 'digital labour platform' available in country law or legislative proposals	1 – yes 0 – no ²⁷²
reporting_various	Registration and reporting obligations for labour platforms in various sectors	0 – no 1 – planned 2 – in place
reporting_specific	Registration and reporting obligations for labour platforms in specific sectors	0 – no 1 – planned 2 – in place

In addition to information from the desk review, quantitative indicators describing the labour markets in these countries were also considered in the clustering exercise. These included:

- Prevalence of platform work based on Flash Eurobarometer 467, 2018.²⁷³
- Precarious employment, 2020.²⁷⁴
- Self-employed (% of total employment) (modeled ILO estimate), 2020.²⁷⁵
- Involuntary temporary employment (% of employees), 2020.²⁷⁶
- Temporary employees (% of employees), 2020.²⁷⁷
- Part-time employment (% of total employment), 2020.²⁷⁸
- Labour market slack (% of extended labour force), 2020.²⁷⁹
- Unemployment (% of total population), 2020.²⁸⁰
- Long-term unemployment (% of active population), 2020.²⁸¹

²⁷² Belgium was coded as 0.5 because of the presence of 'collaborative economy' in country law.

²⁷³ European Union OpenData Portal (n.d.). Available [here](#).

²⁷⁴ Eurostat (2021), table ifsa_qoe_4ax1r2. Available [here](#).

²⁷⁵ International Labour Organization (2021), ILOSTAT database. Available [here](#).

²⁷⁶ Eurostat (2021), table tesem190. Available [here](#).

²⁷⁷ Eurostat (2021), table tesem110. Available [here](#).

²⁷⁸ Eurostat (2021), table ifsa_eppgan Available [here](#).

²⁷⁹ Eurostat (2021), table ifsi_sla_q. Available [here](#).

²⁸⁰ Eurostat (2021), table une_rt_a. Available [here](#).

²⁸¹ Eurostat (2021), table une_ltu_a. Available [here](#).

- Active population (% of total population) (15-64), 2020.²⁸²
- Internet purchases by individuals in the past 12 months, 2020.²⁸³

Data collection template for EU Member States

PPMI is leading the Study to support the impact assessment of a European Union (EU) **Initiative on improving the working conditions in platform work**. The study is commissioned by DG Employment, Social Affairs and Inclusion of the European Commission (DG EMPL).

The first task of the assignment is to **outline the recent policy responses to platform work challenges**. To collect evidence, PPMI, with the help of country-based experts, is carrying out desk research in all EU MS. The collected data will serve as the basis to form representative clusters of EU MS based on their policy responses to platform work challenges. In collaboration with DG EMPL, PPMI will then select countries from each cluster to collect in-depth data, involving interviews, a survey of people who work through platforms and other workers who encounter algorithmic management practices in their work, and a web-scraping exercise. The collected information will be used to assess the potential impacts of several policy options considered under the initiative, ultimately resulting in the selection of the preferred option.

These guidelines will assist you, as a country expert, in filling a standardised data collection template regarding policy responses to platform work challenges in a particular MS. The main purpose of the standardised template is to gather comparable information across the 27 EU MS, so that representative clusters could then be formed based on the data collected. Your goal is to provide evidence-based answers to listed questions by employing desk research.

1. Definitions

DG EMPL of the European Commission **defines platform work** as all labour provided through, on or mediated by **online platforms**, in a wide range of sectors. This work can vary a lot in its type and forms (manual/digital, on-site/off-site, on-line/local service, large/small scale, etc.). It must be however provided in exchange of a payment, thus not covering genuine sharing or volunteering activities. **People working through platforms** are individuals providing services intermediated with a greater or lesser extent of control by a digital labour platform, regardless of these people's legal employment status (worker, self-employed or any third-category status).²⁸⁴

In fact, in different platforms and in different countries, people who work through platforms might be classified as employees, self-employed, or be assigned a third category (where it exists). The self-employment classification might be genuine or false (bogus). In the latter case, people who work through platforms might be classified as self-employed, when they are de facto carrying out activities under the authority of and subordination to the platform. Depending on the legal status, people who work through platforms enjoy different sets of labour rights and social security entitlements. In this data collection template, it is important to indicate clearly what those different rights and

²⁸² Eurostat (2021), table tipslm60. Available [here](#).

²⁸³ Eurostat (2021), table soc_ec_ibuy. Available [here](#).

²⁸⁴ European Commission (2021). First phase consultation of social partners under Article 154 TFEU on possible action addressing the challenges related to working conditions in platform work. C(2021) 1127 final.

entitlements are depending on the employment status of people who work through platforms.

For the sake of clarity, a distinction should be made between:

- **digital capital platforms** connecting customers with providers who lend money, lease assets or sell goods (e.g. Airbnb, HomeAway, Etsy, Amazon, Ebay, etc.), which do not fall within the scope of the study; and
- **digital labour platforms** connecting customers with professional (freelancers) or contingent workers who carry out specific projects or assignments (e.g. TaskRabbit, Freelancer, Deliveroo, Uber, etc.), which do fall under the scope of the study.

We consider **two broad types of platform work** (see also the table below) based on whether the workers provide web-based services or must meet the client/go to a specific physical location to implement the task:

- 1) Digital labour platforms for **online services**: online delivery of electronically transmittable services (e.g. via freelance marketplaces), also referred to in other studies as cloud work, crowd work,²⁸⁵ online freelancing,²⁸⁶ global-reach platform work, or remote platform work (e.g., Upwork, Freelancer, Guru, PeoplePerHour, Fiverr).²⁸⁷
- 2) Digital labour platforms for **on-location services**: delivery of services is physical, although matching and administration services between customers and service providers are digital (e.g. transportation, cleaning or delivery services), also referred in other studies to as app work,²⁸⁸ location-based digital labour or mobile labour markets (e.g., Deliveroo, Uber, TaskRabbit, Wolt, Glovo).²⁸⁹

Table 17. Main categories of platform work services

Online	On-location
<ol style="list-style-type: none"> 1. Online clerical and data-entry tasks, micro tasks (e.g., customer services, data entry, transcription, object classification, tagging, content review, website feedback and similar) 2. Online professional services (e.g., accounting, legal, teaching, consultations, project management and similar) 	<ol style="list-style-type: none"> 1. Delivery services (e.g., courier and food delivery services, grocery delivery) 2. Transportation services (e.g., services similar to taxi, moving) 3. Housekeeping and other home services 4. Handyman, construction and repair services

²⁸⁵ Duggan, J., Sherman, U., Carbery, R., & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*. 30(1), 114-132.

²⁸⁶ Popiel, P. (2017). 'Boundaryless' in the creative economy: assessing freelancing on Upwork. *Critical Studies in Media Communication*. 34(3), 220-233.

²⁸⁷ World Economic Forum. Platform for Shaping the Future of the New Economy and Society (2020). The promise of platform work: understanding the ecosystem. World Economic Forum, Geneva, Switzerland. Available [here](#).

²⁸⁸ Duggan, J., Sherman, U., Carbery, R., & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*. 30(1), 114-132.

²⁸⁹ Schmidt, F. A. (2017). Digital labour markets in the platform economy: Mapping the political challenges of crowd work and gig work. Bonn: Friedrich-Ebert-Stiftung.

Online	On-location
3. Online creative and multimedia work (e.g., animation, graphic design, photo editing and similar)	5. At-home beauty services
4. Online sales and marketing support work (e.g., lead generation, posting ads, social media management, search engine optimisation and similar)	6. On-demand sports and health services
5. Online software development and technology work (e.g., data science, game development, mobile development and similar)	7. On-demand pet care and veterinary services
6. Online writing and translation work (e.g., article writing, copywriting, proofreading, translation and similar)	8. On-demand photography services
	9. On-demand child-care and elderly care services
	10. On-demand teaching and counselling services
	11. Temporary ancillary work (e.g., Workis, which allows companies to hire workers for a few days to help load goods, help in warehouses, stick labels onto goods, package, etc.)
	12. Tourism and gastronomy services
	13. Mystery shopper activities

Source: Developed by PPMI based on various sources, (including the iLabour project of the Oxford Internet Institute) and review of specific online work platforms.

Furthermore, the type and level of **algorithmic management**, and, relatedly, the form of **worker-client matching** differs notably across platforms and types of platform work. In many – but not all – cases, the differences in algorithmic management by platforms are notable between on-location and online platform work. In certain types of on-location services, an algorithm usually identifies and offers labour to one person (e.g., drivers, couriers), linking service providers and clients without their intervention, and then monitoring both parties using apps while the service is being provided (e.g., an Uber drive, food delivery). The pay levels for a specific task are usually also set by the platforms. This is called ‘app work’ in some sources. Meanwhile in some forms of online platform work, it is very often the customer who decides and selects whose services to pay for (e.g., specific translators, programmers, designers and other online freelancers). The workers and clients may interact and negotiate the terms before they decide to proceed with the transaction. Overall, the matching processes and the underlying level of algorithmic management and control have a lot of influence on worker autonomy and other working conditions. It also tends to correlate with the skills and pay levels, as well task complexity: lower levels can be associated with higher algorithmic control.

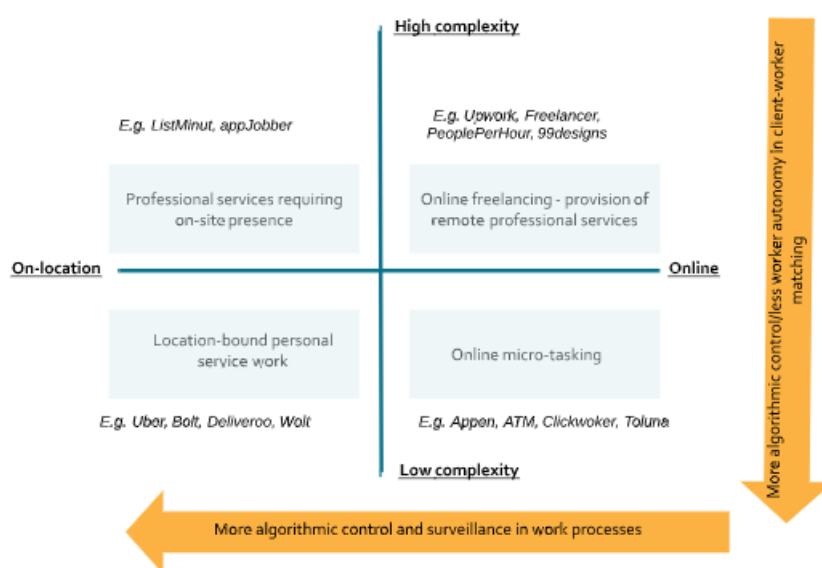
It is important to note that **employees other than people who work through platforms encounter algorithmic management practices in their work**. For example, these include warehouse workers whose work schedules and pace of work is determined using an algorithmic calculation, waiters and waitresses whose tips depend on the customer reviews left by restaurant visitors, etc. Algorithmic management may be spreading also to administrative work especially as the COVID-19 pandemic led to an increase in the use of electronic surveillance tools. The study also considers these types of workers in the context of algorithmic management (relevant mostly for Section 7 of the data collection template, which asks about the initiatives to regulate the extent of algorithmic management in the workplace).

Skills levels and task complexity is another important dimension in classifying platform work. Such classifications, expanding the distinction between location-bound and online

(‘global reach’) platform work, has been developed by the Eurofound²⁹⁰ and World Economic Forum.²⁹¹ Although on-location platform work is more often associated with lower skills than online/ global-reach platform work, this is not necessarily true in all cases. While online freelancing can involve carrying out low complexity tasks not requiring any additional skills besides basic digital literacy, on-location work can also involve high-complexity tasks, such as teaching, consultancy and similar.

We apply these three dimensions (online vs on-location work; skill level required; and the extent of algorithmic management) within platform work further in the conceptual framework for this assignment (see the figure below). For the sake of consistency of the terminology used, it is important to note that all types of platform work in other studies are also sometimes referred to as ‘gig work’, ‘crowd work’,²⁹² ‘on-demand services’,²⁹³ covering both on-location and online work of various levels of complexity and algorithmic control/ forms of worker-client matching.

Figure 11. Dimensions of platform work



Source: developed by PPMI, based on Eurofound, WEF and additional desk research.

Finally, platform work largely falls under the umbrella of **non-standard workers**. Non-standard work includes temporary employment, part-time and on-call work, temporary agency work and other multiparty employment relationships, as well as disguised employment and dependent self-employment.²⁹⁴ Therefore, various policies relevant for our study might not target people who work through platforms exclusively, but, for example, address the working conditions of the self-employed or other non-standard workers, including those who work through platforms.

²⁹⁰ Eurofound (2018a). Employment and Working Conditions of Selected Types of Platform Work. 23 September 2019. Available [here](#).

²⁹¹ World Economic Forum. Platform for Shaping the Future of the New Economy and Society (2020). The promise of platform work: understanding the ecosystem. World Economic Forum, Geneva, Switzerland. Available [here](#).

²⁹² Schmidt, F. A. (2017). Digital labour markets in the platform economy: Mapping the political challenges of crowd work and gig work. Bonn: Friedrich-Ebert-Stiftung.

²⁹³ Berg, J. (2016). Income Security in the On-Demand Economy: Findings and Policy Lessons from a Survey of Crowdworkers. *Comparative Labor Law & Policy Journal* 37(3).

²⁹⁴ Eurofound (2021). Non-standard employment. Available [here](#).

2. The template

PPMI has developed a standardised data collection template (provided below) which you should use for further analysis. The template has eight sections covering the following topics:

- 1) employment status and its determination for people working through platforms;
- 2) policies regulating the working conditions of people who work through platforms;
- 3) initiatives addressing health and safety of people who work through platforms;
- 4) initiatives regulating access to social security for people who work through platforms;
- 5) collective bargaining rights of people working through platforms;
- 6) policies regulating data protection and data portability of people who work through platforms;
- 7) initiatives addressing the extent of algorithmic management permitted in the workplace—for both people working through platforms and other workers who encounter algorithmic management practices in their work; and
- 8) overarching questions.

Please note that throughout the template, the term **‘initiative’ is used to mean not only government policies, but also actions and initiatives by platforms, people who work through platforms, as well as by social partners, or joint initiatives between platforms and social partners.** This is because the study aims to gather information not only about top-down policies, but also bottom-up initiatives to better understand the variety of responses to platform work challenges.

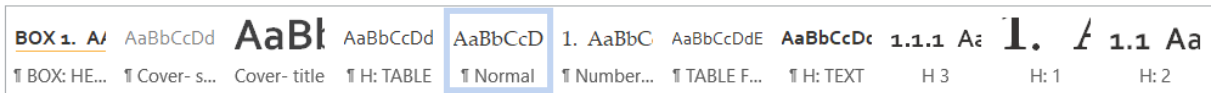
3. Filling in the template

We recommend **reading the template carefully before starting data collection** to familiarise yourself with the main questions covered in the study. You may find the questions quite detailed, as we try to clarify the specific pieces of information we are looking for comparing different countries. The detailed questions will also aid us in organising the data collected from all 27 Member States. Nevertheless, please note that we do not expect in-depth analysis under each question—rather only the factual information answering the questions. If no evidence exists to answer a specific question or this question is not pertinent to your country, just say this and move to the next question.

In the data collection process, presented further in this guide, you should feed the gathered information into the standardised template as per the following instructions:

- 1) given that not all people who work through platforms are classified as employees, throughout the template please use the term ‘people who work through platforms’ rather than ‘platform workers’
- 2) provide answers to **all** questions to the extent possible
- 3) if you find **overlapping questions** (e.g. a specific policy covers several questions), please repeat the text as necessary
- 4) use **clear and plain language** and fill in the template in **English**

- 5) follow the **template structure** and provide answers under the respective questions
- 6) **do not modify** the structure of, headings, sub-headings and questions in the template
- 7) use the **'Normal' text style** for all the responses:



- 8) **provide references** to the sources of information for each specific answer, including **paragraph numbers** (for legal documents, if paragraphs are numbered) or **page numbers** (in other sources) that address the specific information. The references should be provided as **footnotes** next to relevant points. Please use the **APA citation format** in the footnote itself, using the guidance from the PPMI Style Guidelines attached. Generally, each reference in the footnote should include:

Author (Date). Title. Other details depending on the reference (journal title, volume number and series number for journal articles; publisher for books, etc.), page number preceded by 'p.'. Available at: [*insert the link to the document*] (the link is mandatory if the source cited is a website; optional otherwise).

De Stefano, V., & Aloisi, A. (2019). Fundamental labour rights, platform work and human rights protection of non-standard workers. In Research handbook on labour, business and human rights law. Edward Elgar Publishing.

Pesole et al. (2018). Platform Workers in Europe. Evidence from the COLLEEM Survey. JRC Science for Policy Report. Luxembourg: Publications Office of the European Union.

Eurofound (2018). Platform work: Employment status, employment rights and social protection. Available at: <https://www.eurofound.europa.eu/mk/data/platform-economy/dossiers/employment-status>

European Commission (2020). Open Public Consultation on the Digital Services Act. Summary Report on the open public consultation on the Digital Services Act Package, p. 7. Available at: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12417-Digital-Services-Act-deepening-the-Internal-Market-and-clarifying-responsibilities-for-digital-services/publicconsultation>.

Please note that **legal references should also be preceded by the country** in which the law was passed or case resolved (so that readers can easily identify the source after information from multiple data collection templates is combined). **The government bodies or legislative acts should first appear in English, followed by the original name of the government body in parentheses:**

Austria. Federal Ministry of Justice (Bundesministerium für Justiz) (2010). Vorratsdaten: Justizministerium prüft Vorschlag. Press release, 27 July 2010.

Germany. Labour Court (Arbeitsgericht). Hamburg/25 Ca282/09, 26 January 2010.

Netherlands. The Act on equal treatment on grounds of disability or chronic illness (Wet gelijke behandeling op grond van handicap of chronische ziekte). 3 April 2003.

Different formatting rules also apply to **EU-level** directives and regulations. Overall, it should include the following elements:

- authoring institution;
- document type;
- document number;
- date;
- regulated matter.

Directives:

Commission Directive 93/116/EC of 17 December 1993 adapting to technical progress Council Directive 80/1268/EEC relating to the fuel consumption of motor vehicles, O.J. L 329/39.

Regulations:

Council Regulation 40/94/EC of 20 December 1993 on the Community Trade Mark, 1994 O.J. L 11/1 [hereinafter Community Trademark Regulation].

While it is customary to provide a full citation in the footnote only the first time it is used, followed by shortened references if the same source is used multiple times, please provide **a full reference every time the source is used**. This ensures sources are cited appropriately when information from multiple templates is combined.

Please make sure to **format all references appropriately before submitting the template to PPMI**.

4. Data collection methods and process

The data collection will involve **desk research**. As a starting point for research, please use:

- 1) the recent European Commission study on working conditions of people working through platforms²⁹⁵
- 2) country reports prepared by the European Centre of Expertise (ECE)
- 3) sources compiled by Eurofound²⁹⁶

²⁹⁵ CEPS, EFTHEIA, and HIVA-KU Leuven (2020). Study to gather evidence on the working conditions of platform workers, March 2020. Available here. <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8280>.

²⁹⁶ Eurofound (2021). Platform economy initiatives, 3 February 2021. Available [here](#).

- 4) the 2020 Peer Country Comments Papers²⁹⁷
- 5) information PPMI has compiled in preparation of the tender (see the document attached)
- 6) country reports for several countries PPMI has produced for another project regarding gender equality in platform work
- 7) European Commission's overview of case law concerning platform work (to be shared when it becomes available)

Please take advantage of the information, which is pertinent to your country and available in these documents, so that all the relevant information about people who work through platforms is presented in the template (their employment status, working conditions, etc.). Please keep in mind that in this data collection template we want to **build on and to update** the previously collected data. In other words, let's take full advantage of the sources above and add if anything pertinent happened during the last year or so, which is not covered by these sources.

In addition to the sources listed above, we ask that you check the policy responses to platform work challenges by focussing primarily on the most recent changes that happened during the last 1-2 years. If relevant, you should check:

- **Legislation**, including national and regional, if relevant. For example, in Italy, there is regional legislation in Piedmont and Lazio directly addressing similar aspects of platform work.
- **Other policy documents**. These include, for example, plans, strategies, goals, guidelines or targets set out by a governing body.
- **Case law**. Thematic areas of relevance to platform work, including employment status and corresponding rights, competition law, licensing requirements, taxation, or data protection. For example, court cases concerning Uber took place in at least 12 EU countries. In some instances, the rulings were contradictory in different countries.
- **Actions of public bodies or inspectorates**. For example, ministries executing and enforcing the relevant laws or actions by public employment services, social security bodies and inspection services.
- **Collective agreements and social partner initiatives**. For example, agreements reached through negotiations between the social partners and the government and/or platforms.
- **Actions by platforms**. For example, opening up structured dialogue with people who work through platforms, self-regulation (e.g., insurance schemes for food delivery couriers).
- **Actions by people who work through platforms**. For example, strikes or other collective actions, forming collectives, or innovative efforts to organise and

²⁹⁷ Available [here](#).

collectively bargain. Some of these have been especially notable in the context of COVID-19, for example, among food delivery couriers.²⁹⁸

If there are no **new** initiatives (there is a complete *status quo*), please briefly describe the relevant, currently applicable provisions of the national legislation. If there are new initiatives, please clearly indicate whether the initiatives presented are **planned, adopted but not yet in force, or in force**.

Please also specify **what groups of people each policy applies to** (all people who work through digital labour platforms; people working through on-location platforms only; people working through online platforms only; workers on specific platforms only (Uber, Bolt, etc.), and so on).

Finally, and most importantly, **please distinguish whether different rights and entitlements apply to self-employed people working through platforms and/or people working through platforms with an employee status or third status**.

5. Deliverables and timeline

The template, filled with all the information required, will be the final output. Regarding key deadlines:

- The data collection should start **at the end of March 2021**/beginning of April.
- A complete template should be submitted to PPMI by **April 16th**. At this point PPMI will either approve the template or request revisions.
- If needed, revisions should be completed within a week of receiving comments from PPMI.
- The final template, including all revisions, is to be submitted by **April 30th** at the latest.

PPMI may also contact you at further stages of the study, if additional information or clarification are required.

²⁹⁸ DW (n.d.). Pressure mounts on food delivery workers amid COVID-19. Available [here](#).

Experts **must follow the template below** to collect data about the relevant schemes, **keeping all headings** and structuring information so as to follow the logic of the prescribed template.

Researcher: _____

Country: _____

1. Employment status

1.1. What employment status do people working through platforms in your country hold?

Please note that the ECE study might be useful as a starting point to answer this question. Please note that people who work through platforms are typically classified as independent contractors (self-employed), employees or are assigned to an intermediate 'third status' category. In your response, please cite the relevant legislation.

Furthermore, some platforms let people choose their employment status, whereas some others employ all people who work through the platform even if platforms are not obligated to do so under national law. If you know examples of such platforms in your country, please note them and check their Terms & Conditions to provide an example of how the employment relationship between the platform and people working through platforms is formulated.

Please make sure to address the employment status of both people working through **online** and **on-location** platforms. If possible, for those having an employment contract state what type of employment contracts are usually used (e.g. fixed term, part time, zero hours)?

1.2. Please specify the specific criteria used to determine whether people who work through platforms are employees, if available.

Please note that the ECE study might be useful as a starting point to answer this question. Please make sure to consider the criteria applied to both people working through **online** and **on-location** platforms, if criteria differ. Please note that legal cases on the employment status of people working through platforms often specify the criteria used to determine the court decision on whether such people should be classified as employees or self-employed.

1.3. Please describe any mechanisms to inspect or enforce the employment status of workers (in cases of suspected or alleged misclassification).

Please note that the ECE study might be useful as a starting point to answer this question.

1.4. Please describe any judicial and/or out-of-court procedures for workers to claim the employment status in cases when they are denied such status and classified as independent contractors or self-employed.

2. Working conditions

2.1. Please present the key provisions of any initiatives that regulate the working time of people who work through platforms.

*In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the initiatives regarding both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.*

2.2. Please present the key provisions of any initiatives that regulate leave policies for people who work through platforms.

*Please consider **sick leave, casual leave (i.e. vacation), public holidays, religious holidays, parental leave, bereavement leave and unpaid leave**. Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the initiatives regarding both people working through **online** and through **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.*

2.3. Please present the key provisions of any initiatives that regulate the level of earnings for people who work through platforms.

*Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the initiatives regarding both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.*

2.4. Please present the key provisions of any initiatives that regulate access to training for people who work through platforms.

*Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people who work through platforms, and other initiatives. Please make sure to address the initiatives regarding both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.*

2.5. Please present the key provisions of any initiatives that address who—the platform or the person who works through the platform—covers the costs of tools and/or work equipment necessary to perform platform work.

*Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the initiatives regarding both people working through **online** and **on-location** platforms.*

Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

2.6. Please present the key provisions of any initiatives that address the transparency and predictability of platform work.

For example, these include initiatives and policies to **provide people who work through platforms with information** regarding their expected earnings, schedules, task durations, and other working conditions. In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people who work through platforms, and other policies, where applicable. Please make sure to address the initiatives regarding both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

3. Health and Safety

3.1. Please present the key provisions of any initiatives that address health and safety of people who work through platforms.

We are interested in initiatives that aim to **prevent** work accidents and occupational diseases, for example, providing training to people working through platforms on how to perform their work safely or providing protective equipment during COVID-19. In your response, please consider any sources that provide information not only on government or platform-led initiatives, but also the demands by people working through platforms regarding their health and safety. Please make sure to address the initiatives regarding both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

4. Social security

4.1. Please present the key provisions of any initiatives that regulate the entitlement to, and the amount paid in family benefits for people working through platforms.

Family benefits include benefits associated with **having and raising children** as well as **maternity and paternity benefits**. In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the benefits available to both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

4.2. Please present the key provisions of any initiatives that regulate the entitlement to, and the amount paid in sickness benefits for people working through platforms.

In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms,

actions by people working through platforms, and other initiatives. Please make sure to address the benefits available to both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

- 4.3. Please present the key provisions of any initiatives that regulate the entitlement to, and the amount paid in incapacity benefits for people working through platforms in case they suffer an accident or become disabled when working through platforms.**

*Incapacity benefits include benefits in respect of **accidents at work and occupational diseases, disability pension, invalidity benefits**, and others. In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the benefits available to both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.*

- 4.4. Please present the key provisions of any initiatives that regulate the entitlement to, and the amount paid in old-age benefits for people working through platforms when they become eligible for such benefits.**

*Old age benefits include **pensions** and **survivors'** benefits. In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the benefits available to both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.*

- 4.5. Please present the key provisions of any initiatives that regulate the entitlement to, and the amount paid in unemployment benefits for people working through platforms in the case they become unemployed.**

*In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the benefits available to both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.*

- 4.6. Please present the key provisions of any initiatives addressed at people working through platforms that regulate their entitlement to, and the amount paid in social assistance in case they cannot support themselves (i.e. support to low-income individuals, not including unemployment benefits).**

In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to

address the benefits available to both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

5. Collective bargaining and representation

5.1. Please present the key provisions of any initiatives that regulate access to collective bargaining rights for people who work through platforms.

Please note that the ECE study might be useful as a starting point to answer this question. Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the rights of both people working through **online** and **on-location** platforms.

5.2. Please present the extent to which self-organisation among people working through platforms is prevalent in your country.

For example, are there any sector-based (or other) unions or other self-organised bodies that represent people who work through platforms in front of platforms? Do people who work through platforms share information about their working conditions (e.g. through online forums such as Reddit or Facebook)?

6. Personal data and data portability

6.1. Please present the key provisions of any initiatives that regulate personal data protection and data portability of people who work through platforms.

For example, in some countries, there have been initiatives to enable people working through platforms to **transfer the ratings** acquired on one platform onto other platforms. Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by platforms, actions by people working through platforms, and other initiatives. Please make sure to address the initiatives regarding both people working through **online** and **on-location** platforms. Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

7. Algorithmic management

In this section, we are interested in learning about initiatives, if any, that regulate the extent and type of algorithmic management permitted in the workplace. Given that algorithmic management practices affect both people working through platforms and other workers, please clarify whether these initiatives apply to people who work through platforms only or all workers. Please note that the ECE study provides a good starting point to answer these questions regarding government regulations and case law.

7.1. Please present the key provisions of any initiatives that address the extent to which algorithms can set workers' schedules and pace of work.

For example, in some countries, a human supervisor must review the schedules and expected outputs per worker that are initially prepared automatically via computer algorithm. We are interested to learn both about government-level initiatives to regulate algorithmic management and initiatives implemented by employers or workers. In your response, please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by employers/platforms, actions by workers, and other initiatives.

7.2. Please present the key provisions of any initiatives that address the extent to which algorithms can influence workers' pay or tips.

Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by employers/platforms, actions by workers, and other initiatives.

7.3. Please present the key provisions of any initiatives that address the extent to which algorithms can be used to decide whether to terminate workers' contracts or deactivate their accounts on platforms.

Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by employers/platforms, actions by workers, and other initiatives.

7.4. Please present the key provisions of any initiatives that address the extent to which algorithms can be used to track and store information about workers' location.

Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by employers/platforms, actions by workers, and other initiatives.

7.5. Please present the key provisions of any initiatives that address the extent to which workers have to be informed about algorithmic management practices in their work.

For example, this includes information on how algorithms affect workers' pay, work schedules, ratings, contract termination or account deactivation, the search results displayed to potential clients looking to hire people working through platforms (e.g. freelancers), the jobs recommended to people working through platforms (e.g. on freelancing platforms), etc. Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by employers/platforms, actions by workers, and other initiatives.

7.6. Please present the key provisions of any initiatives that address the extent to which workers can seek redress about decisions made by or influenced by algorithms.

For example, these could be initiatives that establish workers' right to challenge account deactivation, if the account was deactivated without human oversight; right to ask for different work shifts if the allocated shifts clash with workers' other commitments; recourse against the productivity targets set by algorithms, etc. Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by employers/platforms, actions by workers, and other initiatives.

- 7.7. Please present the key provisions of any initiatives mandating human oversight regarding decisions made by algorithms (including, but not limited to workers' schedules, pay, contract termination, etc.).**

Please consider legislative actions, case law, actions of public bodies or inspectorates, collective agreements, social partner initiatives, actions by employers/platforms, actions by workers, and other initiatives.

8. Overarching questions

- 8.1. If available, please provide any definitions of digital labour platforms if they exist in your country law.**
- 8.2. Given the policy context, policy discussions and prevalence of platform work in your country, would you expect the legislation regarding people working through platforms to stay the same in the upcoming 2-3 years and in the absence of any EU-level action? Why yes or why not? If you expect the regulations to change, what changes would you expect? Why?**

Please consider policies regarding the employment status, working conditions, social security, collective bargaining rights, algorithmic management, cross-border taxation of people who work through platforms, and reporting obligations for platforms.

- 8.3. If available, please briefly present the key findings from rigorous impact assessments, evaluations, cost-benefit analyses, or other studies that have been conducted to assess the effects of the initiatives described in this template before or after the policy action took place.**

*We are interested in learning about the effects on people who work through platforms (e.g. drop in employment, drop in undeclared work, rise in wages, enhanced social protection, etc.), platforms and other employers engaged in algorithmic management (increased operational costs and tax burden, etc.), consumers (availability, quality and cost of services, etc.), public administrations/governments (increase in public revenue, supervisory burden, etc.), and businesses that either compete with or are customers of platforms (i.e. restaurants who provide meals to be delivered over platforms). **Note that there is no need to provide in-depth summaries of the findings.** Most importantly, please reference the relevant studies and provide a one or two sentence note on what they address (especially if they are only available in languages other than English). We are primarily interested in studies that attempt to **quantify** these effects.*

- 8.4. If needed, please use the space below to note anything else that might be relevant regarding the working conditions of people who work through platforms in your country.**

2. Non-EU countries

In addition to EU Member States, the research team reviewed the most important initiatives **outside the EU** to improve working conditions of people who work through platforms. In particular, we explored recent policies and initiatives regarding platform work in:

- Australia
- Canada
- India
- Switzerland
- UK
- USA (excluding California)
- California
- Ukraine

The exercise served a two-fold purpose. First, it helped us contextualise the initiatives taking place in the EU more globally and provided information on how criteria to distinguish between independent contractors and employees were applied outside the EU. Second, it provided information for the impact assessment of policies that have already been implemented earlier in other countries (i.e. the US, California, the UK, Switzerland).

The data collection template used for this exercise is presented below.

Data collection template for non-EU countries

PPMI is leading the Study to support the impact assessment of a European Union (EU) **Initiative on improving the working conditions of platform workers**. The study is commissioned by DG Employment, Social Affairs and Inclusion of the European Commission (DG EMPL).

The first task of the assignment is to **outline the recent policy responses to platform work challenges**. With the help of country-based experts, the policy review will include relevant EU-level, national, and non-EU policies and measures, policy plans for improving working conditions of people working through platforms, and self-regulatory measures implemented as bottom-up responses. To cover critical global developments in the area of platform work, we shall overview policy responses in the following countries/states in addition to EU-27: California, USA (excluding California), Canada, Australia, Switzerland, the UK, the Ukraine and India. The data regarding non-EU policy developments will help contextualise policy responses observed across the EU and feed into the analysis of potential impacts of several policy options considered under the initiative.

These guidelines will assist you in filling a standardised data collection template regarding policy responses to platform work challenges in a particular non-EU country/state. The main purpose of the standardised template is to gather comparable information across the different countries, so that the data collected could be examined in comparison to the research regarding EU MS. Your goal is to provide evidence-based answers to listed questions by employing desk research.

1. Definitions

DG EMPL of the European Commission **defines platform work** as all labour provided through, on or mediated by **online platforms**, in a wide range of sectors. This work can vary a lot in its type and forms (manual/digital, on-site/off-site, on-line/local service, large/small scale, etc.). It must be however provided in exchange of a payment, thus not covering genuine sharing or volunteering activities. **People working through platforms** are individuals providing services intermediated with a greater or lesser extent of control by a digital labour platform, regardless of these people's legal employment status (worker, self-employed or any third-category status).²⁹⁹

In fact, in different platforms and in different countries, people who work through platforms might be classified as employees, self-employed, or be assigned a third category (where it exists). The self-employment classification might be genuine or false (bogus). In the latter case, people who work through platforms might be classified as self-employed, when they are de facto carrying out activities under the authority of and subordination to the platform. Depending on the legal status, people who work through platforms enjoy different sets of labour rights and social security entitlements. In this data collection template, it is important to indicate clearly what those different rights and entitlements are depending on the employment status of people who work through platforms.³⁰⁰

For the sake of clarity, a distinction should be made between:

²⁹⁹ European Commission (2021). First phase consultation of social partners under Article 154 TFEU on possible action addressing the challenges related to working conditions in platform work. C(2021) 1127 final.

³⁰⁰ European Commission (2020). Study to gather evidence on the working conditions of platform workers. VT/2018/032 Final Report. Luxembourg: Publications Office of the European Union. Available [here](#).

- **digital capital platforms** connecting customers with providers who lend money, lease assets or sell goods (e.g. Airbnb, HomeAway, Etsy, Amazon, Ebay, etc.), which do not fall within the scope of the study; and
- **digital labour platforms** connecting customers with professional (freelancers) or contingent workers who carry out specific projects or assignments (e.g. TaskRabbit, Freelancer, Deliveroo, Uber, etc.), which do fall under the scope of the study.

We consider **two broad types of platform work** (see also the table below) based on whether the workers provide web-based services or must meet the client/go to a specific physical location to implement the task:

- 1) Digital labour platforms for **online services**: online delivery of electronically transmittable services (e.g. via freelance marketplaces), also referred to in other studies as cloud work, crowd work,³⁰¹ online freelancing,³⁰² global-reach platform work, or remote platform work (e.g., Upwork, Freelancer, Guru, PeoplePerHour, Fiverr).³⁰³
- 2) Digital labour platforms for **on-location services**: delivery of services is physical, although matching and administration services between customers and service providers are digital (e.g. transportation, cleaning or delivery services), also referred in other studies to as app work,³⁰⁴ location-based digital labour or mobile labour markets (e.g., Deliveroo, Uber, TaskRabbit, Wolt, Glovo).³⁰⁵

Table 18. Main categories of platform work services

Online	On-location
1. Online clerical and data-entry tasks, micro tasks (e.g., customer services, data entry, transcription, object classification, tagging, content review, website feedback and similar)	1. Delivery services (e.g., courier and food delivery services, grocery delivery)
2. Online professional services (e.g., accounting, legal, teaching, consultations, project management and similar)	2. Transportation services (e.g., services similar to taxi, moving)
3. Online creative and multimedia work (e.g., animation, graphic design, photo editing and similar)	3. Housekeeping and other home services
4. Online sales and marketing support work (e.g., lead generation, posting)	4. Handyman, construction and repair services
	5. At-home beauty services

³⁰¹ Duggan, J., Sherman, U., Carbery, R., & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*. 30(1), p. 114-132.

³⁰² Popiel, P. (2017). 'Boundaryless' in the creative economy: assessing freelancing on Upwork. *Critical Studies in Media Communication*. 34(3), p. 220-233.

³⁰³ World Economic Forum. Platform for Shaping the Future of the New Economy and Society (2020). The promise of platform work: understanding the ecosystem. World Economic Forum, Geneva, Switzerland. Available [here](#).

³⁰⁴ Duggan, J., Sherman, U., Carbery, R., & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*. 30(1), p. 114-132.

³⁰⁵ Schmidt, F. A. (2017). Digital labour markets in the platform economy: Mapping the political challenges of crowd work and gig work. Bonn: Friedrich-Ebert-Stiftung.

Online	On-location
<p>ads, social media management, search engine optimisation and similar)</p> <p>5. Online software development and technology work (e.g., data science, game development, mobile development and similar)</p> <p>6. Online writing and translation work (e.g., article writing, copywriting, proofreading, translation and similar)</p>	<p>6. On-demand sports and health services</p> <p>7. On-demand pet care and veterinary services</p> <p>8. On-demand photography services</p> <p>9. On-demand child-care and elderly care services</p> <p>10. On-demand teaching and counselling services</p> <p>11. Temporary ancillary work (e.g., Workis, which allows companies to hire workers for a few days to help load goods, help in warehouses, stick labels onto goods, package, etc.)</p> <p>12. Tourism and gastronomy services</p> <p>13. Mystery shopper activities</p>

Source: Developed by PPMI based on various sources, (including the iLabour project of the Oxford Internet Institute) and review of specific online work platforms.

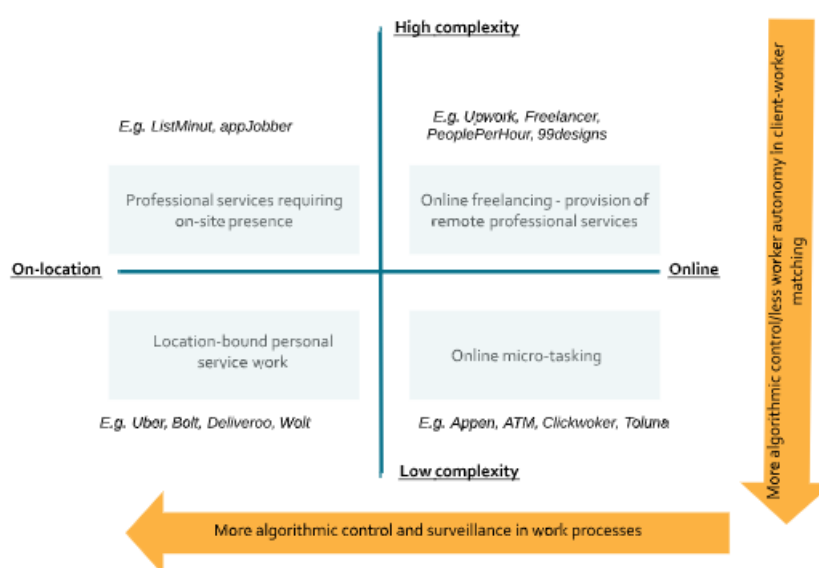
Furthermore, the type and level of **algorithmic management**, and, relatedly, the form of **worker-client matching** differs notably across platforms and types of platform work. In many – but not all – cases, the differences in algorithmic management by platforms are notable between on-location and online platform work. In certain types of on-location services, an algorithm usually identifies and offers labour to one person (e.g., drivers, couriers), linking service providers and clients without their intervention, and then monitoring both parties using apps while the service is being provided (e.g., an Uber drive, food delivery). The pay levels for a specific task are usually also set by the platforms. This is called ‘app work’ in some sources. Meanwhile in some forms of online platform work, it is very often the customer who decides and selects whose services to pay for (e.g., specific translators, programmers, designers and other online freelancers). The workers and clients may interact and negotiate the terms before they decide to proceed with the transaction. Overall, the matching processes and the underlying level of algorithmic management and control have a lot of influence on worker autonomy and other working conditions. It also tends to correlate with the skills and pay levels, as well task complexity: lower levels can be associated with higher algorithmic control.

It is important to note that **employees other than people who work through platforms encounter algorithmic management practices in their work**. For example, these include warehouse workers whose work schedules and pace of work is determined using an algorithmic calculation, waiters and waitresses whose tips depend on the customer reviews left by restaurant visitors, etc. Algorithmic management may be spreading also to administrative work especially as the COVID-19 pandemic led to an increase in the use of electronic surveillance tools. The study also considers these types of workers in the context of algorithmic management (relevant mostly for Section 5 of the data collection template which asks about the initiatives to regulate the extent of algorithmic management in the workplace).

Skills levels and task complexity is another important dimension in classifying platform work. Such classifications, expanding the distinction between location-bound and online ('global reach') platform work, has been developed by the Eurofound³⁰⁶ and World Economic Forum.³⁰⁷ Although on-location platform work is more often associated with lower skills than online/global-reach platform work, this is not necessarily true in all cases. While online freelancing can involve carrying out low complexity tasks not requiring any additional skills besides basic digital literacy, on-location work can also involve high-complexity tasks, such as teaching, consultancy and similar.

We apply these three dimensions (online vs on-location work; skill level required; and the extent of algorithmic management) within platform work further in the conceptual framework for this assignment (see the figure below). For the sake of consistency of the terminology used, it is important to note that all types of platform work in other studies are also sometimes referred to as 'gig work', 'crowd work',³⁰⁸ 'on-demand services',³⁰⁹ covering both on-location and online work of various levels of complexity and algorithmic control/forms of worker-client matching.

Figure 12. Dimensions of platform work



Source: developed by PPMI, based on Eurofound, WEF and additional desk research.

Finally, platform work largely falls under the umbrella of **non-standard workers**. Non-standard work includes temporary employment, part-time and on-call work, temporary agency work and other multiparty employment relationships, as well as disguised employment and dependent self-employment.³¹⁰ Therefore, various policies relevant for our study might not target people who work through platforms exclusively, but, for

³⁰⁶ Eurofound (2018a). Employment and Working Conditions of Selected Types of Platform Work. 23 September 2019. Available [here](#).

³⁰⁷ World Economic Forum. Platform for Shaping the Future of the New Economy and Society (2020). The promise of platform work: understanding the ecosystem. World Economic Forum, Geneva, Switzerland. Available [here](#).

³⁰⁸ Schmidt, F. A. (2017). Digital labour markets in the platform economy: Mapping the political challenges of crowd work and gig work. Bonn: Friedrich-Ebert-Stiftung.

³⁰⁹ Berg, J. (2016). Income Security in the On-Demand Economy: Findings and Policy Lessons from a Survey of Crowdworkers. *Comparative Labor Law & Policy Journal* 37(3).

³¹⁰ Eurofound (2021). Non-standard employment. Available [here](#).

example, address the working conditions of the self-employed or other non-standard workers, including people who work through platforms.

2. The template

PPMI has developed a standardised data collection template (provided below) which you should use for further analysis. The template has seven sections covering the following topics:

- 1) employment status and its determination for people working through platforms;
- 2) policies regulating the working conditions of people working through platforms;
- 3) collective bargaining rights of people working through platforms;
- 4) initiatives regulating access to social security for people working through platforms;
- 5) policies regulating data protection and data portability of people who work through platforms;
- 6) initiatives addressing the extent of algorithmic management permitted in the workplace—for both people working through platforms and other workers who encounter algorithmic management practices in their work; and
- 7) overarching questions

Please note that throughout the template, the term **‘initiative’ is used to mean not only government policies, but also actions and initiatives by platforms, people who work through platforms, as well as by social partners, or joint initiatives between platforms and social partners.** This is because the study aims to gather information not only about top-down policies, but also bottom-up initiatives to better understand the variety of responses to platform work challenges.

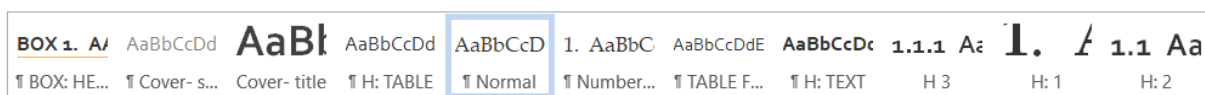
3. Filling in the template

We recommend **reading the template carefully before starting data collection** to familiarise yourself with the main questions covered in the study. You may find the questions quite detailed, as we try to clarify the specific pieces of information we are looking for comparing different countries. Please also note that we do not expect in-depth analysis under each question—rather only the factual information answering the questions. If no evidence exists to answer a specific question or this question is not pertinent to the country, just say this and move to the next question.

In the data collection process, presented further in this guide, you should feed the gathered information into the standardised template as per the following instructions:

- 1) given that not all people who work through platforms are classified as employees, throughout the template please use the term ‘people who work through platforms’ rather than ‘platform workers’;
- 2) provide answers to **all** questions to the extent possible;

- 3) if you find **overlapping questions** (e.g. a specific policy covers several questions), please repeat the text as necessary;
- 4) use **clear and plain language** and fill in the template in **English**;
- 5) follow the **template structure** and provide answers under the respective questions;
- 6) **do not modify** the structure of, headings, sub-headings and questions in the template;
- 7) use the **‘Normal’ text style** for all the responses:



- 8)
- 9) **provide references** to the sources of information for each specific answer, including **paragraph numbers** (for legal documents, if paragraphs are numbered) or **page numbers** (in other sources) that address the specific information. The references should be provided as **footnotes** next to relevant points. Please use the **APA citation format** in the footnote itself, using the guidance from the PPMI Style Guidelines attached. Generally, each reference in the footnote should include:

Author (Date). Title. Other details depending on the reference (journal title, volume number and series number for journal articles; publisher for books, etc.), page number preceded by 'p.'. Available at: *insert the link to the document* (the link is mandatory if the source cited is a website; optional otherwise).

De Stefano, V., & Aloisi, A. (2019). Fundamental labour rights, platform work and human rights protection of non-standard workers. In Research handbook on labour, business and human rights law. Edward Elgar Publishing.

Pesole et al. (2018). Platform Workers in Europe. Evidence from the COLLEEM Survey. JRC Science for Policy Report. Luxembourg: Publications Office of the European Union.

Eurofound (2018). Platform work: Employment status, employment rights and social protection. Available at: <https://www.eurofound.europa.eu/mk/data/platform-economy/dossiers/employment-status>

European Commission (2020). Open Public Consultation on the Digital Services Act. Summary Report on the open public consultation on the Digital Services Act Package, p. 7. Available at: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12417-Digital-Services-Act-deepening-the-Internal-Market-and-darifying-responsibilities-for-digital-services/publicconsultation>.

Please note that **legal references should also be preceded by the country** in which the law was passed or case resolved (so that readers can easily identify the source after information from multiple data collection templates is combined). **The government bodies or legislative acts should first appear in English, followed by the original name of the government body in parentheses:**

Austria. Federal Ministry of Justice (Bundesministerium für Justiz) (2010). Vorratsdaten: Justizministerium prüft Vorschlag. Press release, 27 July 2010.

Germany. Labour Court (Arbeitsgericht). Hamburg/25 Ca282/09, 26 January 2010.

Netherlands. The Act on equal treatment on grounds of disability or chronic illness (Wet gelijke behandeling op grond van handicap of chronische ziekte). 3 April 2003.

Different formatting rules also apply to **EU-level** directives and regulations. Please look at our extensive style guide for more information when citing primary sources. Overall, it should include the following elements:

- authoring institution;
- document type;
- document number;
- date;
- regulated matter.

Directives:

Commission Directive 93/116/EC of 17 December 1993 adapting to technical progress Council Directive 80/1268/EEC relating to the fuel consumption of motor vehicles, O.J. L 329/39.

Regulations:

Council Regulation 40/94/EC of 20 December 1993 on the Community Trade Mark, 1994 O.J. L 11/1 [hereinafter Community Trademark Regulation].

While it is customary to provide a full citation in the footnote only the first time it is used, followed by shortened references if the same source is used multiple times, please provide **a full reference every time the source is used**. This ensures sources are cited appropriately when information from multiple templates is combined.

Please make sure to **format all references appropriately before submitting the template to PPMI**.

4. Data collection methods and process

The data collection will be based on the **desk research**. Desk research should include **critical and most relevant** policy developments and initiatives. Therefore, we ask to answer all questions while taking into account:

- 1) **Legislation**, including national and regional, if relevant (e.g., California AB 5, 2020 California Proposition 22).
- 2) **Case law**. Precedent setting cases in areas of relevance to platform work (e.g., employment status and corresponding rights, data protection, competition law).

- 3) **Actions of public bodies or inspectorates** (e.g., actions by ministries, labour inspectorates, public employment services, social security bodies others).
- 4) **Collective agreements and social partner initiatives** (e.g., agreements reached through negotiations between the social partners and the government and/or platforms).
- 5) **Actions by platforms.** For example, opening up structured dialogue with people who work through platforms, self-regulation (e.g., insurance schemes for food delivery couriers).
- 6) **Actions by people working through platforms** (e.g., organised requests to platforms, strikes or other actions).

If there are no **new** initiatives (there is a complete *status quo*), please briefly describe the relevant, currently applicable provisions of the national legislation. If there are new initiatives, please clearly indicate whether the policies described are **planned, adopted but not yet in force, or in force**.

Please also specify **what groups of workers each policy applies to** (all people who work through platforms; people working through on-location platforms only; people working through online platforms only; workers on specific platforms only (Uber, Bolt, etc.), and so on).

Finally, and most importantly, **please distinguish whether different rights and entitlements apply to self-employed people working through platforms and/or people working through platforms with an employee status or third status**.

Experts **must follow the template below** to collect data about the relevant schemes, **keeping all headings** and structuring information so as to follow the logic of the prescribed template.

Researcher: _____

Country/state: _____

1. Employment status

What employment status do people working through platforms in the country hold?

Please note that people who work through platforms are typically classified as independent contractors (self-employed), employees or are assigned to an intermediate 'third status' category. In your response, please cite the relevant legislation.

Furthermore, some platforms let people choose their employment status, whereas some others employ all people who work through the platform even if platforms are not obligated to do so under national law. If you know examples of such platforms in the country/state, please note them and check their Terms & Conditions to provide an example of how the employment relationship between the platform and people working through platforms is formulated.

*Please make sure to address the employment status of both people working through **online** and **on-location** platforms. If possible, for those having an employment contract state what type of employment contracts are usually used (e.g. fixed term, part time, zero hours).*

Please specify the criteria used to determine whether people who work through platforms are employees, if available.

Please make sure to consider the criteria applied to both people working through online and on-location platforms, if criteria differ. Please note that legal cases on the employment status of people working through platforms often specify the criteria used to determine the court decision on whether such people should be classified as employees or the self-employed.

Please describe any mechanism to inspect or enforce the employment status of people working through platforms (in cases of suspected or alleged misclassification).

2. Working conditions

Please present the key provisions of the main initiatives that address the working conditions of people working through platforms.

We would be interested in learning about initiatives that address:

- *The working time of people who work through platforms.*

- *Leave policies (sick leave, casual leave (i.e. vacation), public holidays, religious holidays, parental leave, bereavement leave, and unpaid leave).*
- *Level of earnings for people working through platforms.*
- *Access to training for people working through platforms.*
- *Who—the platform or the person who works through the platform—covers the costs of tools and/or work equipment necessary to perform platform work.*
- *Preventive measures to ensure health and safety in platform work (e.g., providing safety helmets for couriers or various protections during COVID-19).*
- *Transparency and predictability (such as initiatives to provide workers with information regarding their expected earnings, schedules, task durations, and other working conditions).*

Please make a clear distinction on what provisions cover people working through platforms depending on their employment status: employees, self-employed and third status where relevant.

3. Collective bargaining and representation

Please present the key provisions of any policies that regulate the access to collective bargaining rights for people working through platforms.

4. Social security

Please present the key provisions of the main initiatives that regulate access to social security for people who work through platforms.

For example, we would be interested in learning about the social protection of people working through platforms and their access to:

- *incapacity benefits in case they suffer an accident or become disabled when working through platforms (these include benefits in respect of accidents at work and occupational diseases, disability pension, invalidity benefits, and others);*
- *sickness benefits;*
- *family benefits (benefits associated with having and raising children as well as maternity and paternity benefits);*
- *old-age benefits when they become eligible for such benefits (these include pensions and survivors' benefits);*
- *unemployment benefits in case they become unemployed;*
- *social assistance in case workers cannot support themselves (i.e. support to low-income individuals, not including unemployment benefits).*

5. Personal data and data portability

Please present the key provisions of any initiatives that regulate personal data protection and data portability of people who work through platforms.

*For example, in some countries, there have been initiatives to enable people working through platforms to **transfer the ratings** acquired on one platform onto other platforms.*

6. Algorithmic management

Please describe the key provisions of any policies the main initiatives which regulate the extent and type of algorithmic management permitted in a workplace.

Algorithms can be utilised in various ways, for example, to track workers' location; to set workers' schedules, pace of work and pay (also tips); and/or to determine whether to terminate workers' contracts/deactivate their accounts. We would be interested in learning about the extent of algorithmic management permitted regarding each of these aspects, including whether human oversight is mandated in any of the cases mentioned above. For example, in some countries, a human supervisor must review the schedules and expected outputs per worker that are initially prepared automatically via computer algorithm. Finally, are there any provisions which regulate the extent to which workers can seek redress about decisions made by or influenced by algorithms?

Given that algorithmic management practices affect both people working through platforms and others (see Section 1 on Definitions), please clarify whether policies apply to people working through platforms only or all workers.

7. Overarching questions

If available, please briefly present the key findings from rigorous impact assessments, evaluations, cost-benefit analyses, or other studies that have been conducted to assess the effects of the initiatives described in this template before or after the policy action took place.

*We are interested in learning about the effects on people who work through platforms (e.g. drop in employment, drop in undeclared work, rise in wages, enhanced social protection, etc.), platforms and other employers engaged in algorithmic management (increased operational costs and tax burden, etc.), consumers (availability, quality and cost of services, etc.), public administrations/governments (increase in public revenue, supervisory burden, etc.), and businesses that either compete with or are customers of platforms (i.e. restaurants who provide meals to be delivered over platforms). **Note that there is no need to provide in-depth summaries of the findings.** Most importantly, please reference the relevant studies and provide a one or two sentence note on what they address (especially if they are only available in languages other than English). We are primarily interested in studies that attempt to **quantify** these effects.*

If needed, please use the space below to note anything else that might be relevant regarding the working conditions of people who work through platforms in the country.

Annex 4D. Dataset used in clustering Member States

1. Metadata

Table 19. Metadata

Variable	Description	Coding structure
empl_low_onlocation	The presence of any initiatives that specifically address the employment status of low-skilled people working through on-location platforms	1 – yes
		0 – no
empl_other	The presence of any initiatives that specifically address the employment status of other people working through platforms	1 – yes
		0 – no
third_status	Whether the third status is present in the country	0 - none
		1 – discussed
		2 - in force
employees	Evidence that at least some people working through platforms are treated as employees by platforms	1 – yes
		0 – no
intermediaries	The presence of intermediaries, including temporary work agencies intermediating the relations between platforms and service providers	1 – yes
		0 – no
working_time	The presence of any initiatives that specifically address the working time of people working through platforms	1 – yes
		0 – no
earn_low_onlocation	The presence of any initiatives that specifically address the earning levels of low-skilled people working through on-location platforms	1 – yes
		0 – no
earn_others	The presence of any initiatives that specifically address the earning levels of other people working through platforms	1 – yes
		0 – no
training_any	The presence of any initiatives that specifically address access to training for people working through platforms	1 – yes
		0 – no

Variable	Description	Coding structure
transparency_any	The presence of any initiatives that specifically address the transparency and predictability of platform work	1 – yes
		0 – no
osh_any	The presence of any initiatives that specifically address health and safety of people who work through platforms, including insurance against accidents at work	1 – yes
		0 – no
parental	Entitlements for the self-employed: paid parental leave	0 – no
		1 – yes, conditionally
		2 – yes
sick	Entitlements for the self-employed: paid sick leave	0 – no
		1 – yes, conditionally
		2 – yes
health_insurance	Entitlements for the self-employed: access to public health insurance	0 – no
		1 – yes, conditionally
		2 – yes
leave	Entitlements for the self-employed: paid annual leave	0 – no
		1 – yes, conditionally
		2 – yes
incapacity	Entitlements for the self-employed: incapacity benefits	0 – no
		1 – yes, conditionally
		2 – yes
pension	Entitlements for the self-employed: pension	0 – no
		1 – yes, conditionally
		2 – yes
unemployment	Entitlements for the self-employed: unemployment benefits	0 – no
		1 – yes, conditionally

Variable	Description	Coding structure
		2 – yes
algo_management	The presence of any initiatives that specifically address algorithmic management	1 – yes
		0 – no
data_any	The presence of any initiatives that specifically address data protection or data portability of people who work through platforms	1 – yes
		0 – no
self_org_low_online	Available examples of successful self-organisation or collective action among low-skilled people working through online platforms	1 – yes
		0 – no
self_org_high_online	Available examples of successful self-organisation or collective action among high-skilled people working through online platforms	1 – yes
		0 – no
self_org_low_onlocation	Available examples of successful self-organisation or collective action among low-skilled people working through on-location platforms	1 – yes
		0 – no
self_org_high_onlocation	Available examples of successful self-organisation or collective action among high-skilled people working through on-location platforms	1 – yes
		0 – no
dlp	Definition of a ‘digital labour platform’ available in country law or legislative proposals	1 – yes
		0 – no ³¹¹
reporting_various	Registration and reporting obligations for labour platforms in various sectors	0 – no
		1 – planned
		2 – in place
reporting_specific	Registration and reporting obligations for labour platforms in specific sectors	0 – no
		1 – planned
		2 – in place

³¹¹ Belgium was coded as 0.5 because of the presence of ‘collaborative economy’ in country law.

2. Data

Table 20. Data

Country	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE
empl_low_onlocation	1	0	0	1	1	0	1	1	1	1	0	1	0	0	0	1	0	0	1	0	0	0	0	0	0	1	0
empl_other	1	0	0	0	1	0	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
third_status	0	0	2	0	2	0	1	2	2	1	0	2	0	0	0	1	0	0	2	0	0	2	0	2	0	0	0
employees	0	1	0	1	1	0	1	0	1	1	1	1	0	0	0	1	0	1	1	1	1	1	0	0	0	0	1
intermediaries	1	0	1	0	0	0	0	1	1	0	0	0	0	0	1	0	1	1	1	1	1	1	1	0	1	1	1
working_time	0	0	0	1	1	0	0	0	0	1	0	1	0	0	0	1	0	0	1	1	0	1	1	0	0	0	0
earn_low_onlocation	0	0	1	1	1	0	0	0	1	1	1	1	0	0	1	1	1	0	1	1	1	1	1	0	0	0	1
earn_others	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0
training_any	0	0	0	1	1	0	0	0	0	1	0	1	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0
transparency_any	0	1	0	0	1	0	0	1	0	1	0	1	0	0	1	1	0	0	0	1	0	0	0	0	0	1	0
osh_any	0	0	0	0	1	0	1	1	1	1	0	1	0	0	1	1	0	0	1	0	1	1	0	0	1	0	0
parental	2	1	1	1	0	1	1	0	2	2	2	1	1	2	2	2	1	2	2	0	1	2	2	1	2	2	2
sick	2	1	1	1	0	1	0	0	2	1	0	2	1	1	1	1	1	1	1	0	1	2	1	1	2	1	2
health_insurance	2	2	2	2	0	2	2	1	2	1	2	2	1	2	2	2	1	2	2	2	2	2	2	2	2	2	2
leave	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
incapacity	2	1	1	1	1	0	1	1	1	1	2	2	1	1	1	2	1	1	1	2	2	0	2	2	2	1	2
pension	2	2	2	2	1	2	1	1	2	1	1	2	2	2	1	2	1	2	1	1	1	2	1	2	2	1	2
unemployment	0	0	1	1	1	1	1	1	1	0	1	1	0	0	0	2	1	1	1	0	1	0	1	2	1	2	1
algo_management	1	0	0	1	1	0	1	1	1	1	0	1	1	0	1	0	0	0	1	1	1	0	0	0	0	0	0
data_any	1	0	0	1	1	0	1	0	0	1	0	1	0	0	0	1	0	0	1	1	0	1	0	0	0	0	0
self_org_low_online	0	0	0	0	1	0	1	1	0	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0
self_org_high_online	0	1	0	1	1	0	1	1	0	1	1	1	0	0	0	1	1	0	0	1	0	0	0	0	0	0	0
self_org_low_onlocation	1	0	0	1	1	1	1	1	1	1	1	1	0	0	1	1	0	1	1	1	0	1	1	1	0	1	1

EUROPEAN COMMISSION

self_org_high_onlocation	0	0	0	0	1	0	1	1	0	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0
dlp	0,5	0	0	0	0	0	0	0	0	1	0	1	0	0	0	1	0	0	0	0	0	1	1	0	0	0	0
reporting_various	2	0	1	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
reporting_specific	1	0	2	0	0	1	0	0	0	2	0	0	0	0	2	0	0	0	0	2	0	0	2	0	0	1	0
pw_prevalence	6	6	5	7	3	4	6	3	7	11	7	5	2	17	3	7	8	5	9	6	6	3	8	8	9	5	4
precarious	3,9	0,6	0,2	1,2	0,3	1,2	1,2	1	3,2	4,9	4,8	3,2	0,3	0,9	0,7	1,4	2	0,4	0,7	0,9	2,6	1,7	0,2	2,7	1,2	3,5	3,4
self_employed	13,9	11,4	16,9	8	9,8	10,5	14,8	33,3	15,9	11,6	11,9	22,9	13,2	11,3	11,4	8,5	10,2	13,9	16,5	11,9	19,9	16,7	24,4	14,8	14,6	13,1	9,5
involuntary_temp	6,4	2,6	4,1	3,7	0,7	0,3	2,3	7,4	19,5	7,4	12,2	12,1	12,8	1,6	0,7	4,9	4,1	2,6	4,6	0,6	8,4	14,6	1	4,4	4,7	9,6	8
temp	10,1	3,5	7	10,9	10,8	2,8	9	10,1	24,2	15,3	15,2	15,2	13,4	2,8	1,2	7,7	5,9	8	18	8,2	18,4	17,8	1,2	10,8	6,5	14,6	14,8
part_time	24,4	1,8	5,7	23,4	27,9	12,3	18,2	8,6	13,9	17	4,5	18,2	10	8,9	6,1	18,1	4,8	11,1	50,8	27,2	5,9	7,5	5,9	8,3	4,6	14,8	22,3
slack	12,2	9,2	3,6	12	9,5	12,3	16,3	23,9	25,2	16,1	14,6	22,3	14,7	14	11	13,2	7,9	6,9	11,4	12,9	6,2	14,1	8,1	7,9	9,5	17,5	16,3
unemp_rate	3,3	3,2	1,7	3,9	2,7	4,9	3,7	9,6	9,9	4,9	4,3	5,1	5,2	5,7	6	4,4	2,7	2,9	2,7	3,6	1,9	4,5	3,1	3,2	4,3	5,2	6,1
long_term_unemployment	2,3	2,3	0,6	0,9	1,1	1,2	1,3	10,9	5	2,9	2,1	4,7	2,1	2,2	2,5	1,7	1,1	1,1	0,9	1,3	0,6	2,3	1,5	1,9	3,2	1,2	1,1
active	69	73,2	76,7	79,1	79,2	78,9	73,3	68,4	73,8	71,7	66,5	65,7	76	77,3	78	72	72,6	75,9	80,9	77,1	70,6	75,5	68,6	75,2	72,7	78,3	82,9
internet_purchases	73	31	72	89	83	68	74	46	63	70	55	38	47	56	54	79	60	63	87	66	61	45	38	63	62	76	84

Annex 4E. Interview questionnaires

1. Interview programme

The aim of the interview programme was to gather in-depth insights from a diverse pool of stakeholders to inform Tasks 2, 3, 4, 5 and 6 of the study. Representatives of the following stakeholders were interviewed:

- workers' organisations;
- employers' organisations;
- policy makers;
- experts and academics;
- representatives of people who are working through platforms;
- digital labour platforms.

To acquire the work and contact details of selected interviewees, we used our own and Commission's networks, Google and LinkedIn searches, as well as a number of other specialised providers, such as Hunter, ZoomInfo, RocketReach, Find That Email, GetProspect.

We used different strategies to secure the interviews. Firstly, we sent interview requests via email to potential interviewees, and if we did not receive a reply, we sent reminders. If the research team had access to a phone number, we would call potential interviewees.

While gathering and processing interview data, we complied with the principles of data protection and confidentiality. The interviewees were introduced to the objectives of the study, main interview questions and privacy policy. We shared the interview questionnaires (see the following section) with interviewees in advance.

The research team made structured notes from each interview to be used for impact analysis.

In total, we completed 61 interviews. Table below presents the key numbers of the interview programme by stakeholder type.

Table 21. Interviewees per stakeholder type

Stakeholder type	Planned no. of interviews	Completed interviews
Workers' organisations (in Member States)	6-7	13
Employers' organisations (in Member States)	6-7	6
Policy makers/public authorities (in Member States)	6-7	7
Representatives of people working through platforms	7-8	8
Experts, academics	5-6	8
Digital labour platforms	15-20	18
Overall	45-55	61

Member States

Table below summarises the interview outreach in Member States with workers organisations, employer organisations and policy makers.

Table 22. Interviews in Member States

Organisation	Member State	Status (completed/ scheduled/ no response)
HK Privat	Denmark	Completed
3F Unions	Denmark	Completed
French Democratic Confederation of Labour (CFDT)	France	Contacted (no response)
NGG	Germany	Completed
IG Metal	Germany	Completed
Italian Federation of Workers of Commerce, Hotels, Canteens and Services (FILMCAMS –CGIL)	Italy	Completed
Italian General Union of Labour (UGL)	Italy	Contacted (no response)
Italian Confederation of Trade Unions (CISL)	Italy	Contacted (no response)
Italian Labour Union (UIL)	Italy	Contacted (no response)
Lithuanian Trade Unions Confederation (LPSK)	Lithuania	Completed
Federation of Dutch Trade Unions (FNV)	the Netherlands	Completed
All-Poland Alliance of Trade Unions (OPZZ)	Poland	Completed
Polish Trade Union Solidarnosc	Poland	Completed
National Trade Union Confederation (Cartel ALFA)	Romania	Completed
General Union of Workers (UGT)	Spain	Completed
The Workers' Commissions (CCOO)	Spain	Completed
Elite Taxi Professional Association	Spain	Completed
The Danish Chamber of Commerce (Dansk Erhverv)	Denmark	Contacted (no response)
Confederation of Danish Industry	Denmark	Contacted (no response)
French Business Confederation (MEDEF)	France	Contacted (no response)
Confederation of German Employers' Associations (BDA)	Germany	Completed
AssoDelivery	Italy	Completed
Lithuanian Business Confederation	Lithuania	Completed

Organisation	Member State	Status (completed/ scheduled/ no response)
The Confederation of Netherlands Industry and Employers (VNO-NCW)	the Netherlands	Contacted (no response)
Union of Entrepreneurs and Employers (Związek Pracodawców Polskich (ZPP))	Poland	Completed
Employers' Confederation Concordia	Romania	Completed
Spanish Confederation of Business Organisations (CEOE)	Spain	Completed
Ministry for Industry, Business, and Financial Affairs	Denmark	Contacted (no response)
Ministry of Employment	Denmark	Contacted (no response)
Jean-Yves Frouin (head of Frouin Mission)	France	Completed
Federal Ministry of Labour and Social Affairs (BMAS)	Germany	Completed
National Labour Inspectorate	Italy	Completed
Ministry of Social Affairs and Employment	Lithuania	Completed
Committee on the Regulation of Work (the Borstlap Committee)	the Netherlands	Completed
Ministry of Economic Development, Labour and Technology	Poland	Completed
Labour and Social Security Inspectorate (ITSS)	Spain	Completed

Representatives of people who are working through platforms

The research team reached out to associations or cooperatives of people working through platforms, as well as some individual people working through platforms to make sure their perspective is taken into account (Table 23).

Table 23. Interviews with associations or cooperatives of people working through platforms

Organisation	Member State	Status (completed/ scheduled/ no response)
Smart	Belgium	Completed
United Freelancers	Belgium	Completed
European Forum of Independent Professionals (EFIP)	Belgium	Contacted, no response
Paris Autonomous Deliverers' Collective (CLAP)	France	Contacted, no response
Person working through platforms	Germany	Completed
Deliverance Milano	Italy	Completed
Riders Union Reggio Emilia	Italy	Completed
Riders Union Bologna	Italy	Contacted, no response
Association of Couriers	Lithuania	Completed
Glovo courier	Poland	Completed
Romanian Association of Alternative Transport Drivers	Romania	Contacted, no response
Riders x Derechos	Spain	Completed

Experts and academics

We collected opinions of eight experts and academics with a track record of academic publishing or consulting on issues related to people working through platforms and/ or issues of algorithmic management.

Digital labour platforms

We carried out interviews with platforms with a number of platforms, including online and on-location platforms, big (multi-national) and small (single-country) ones as well as platforms who use services of self-employed persons as well as platforms that offer work contracts (Table 24. Interviews with digital labour platforms).

Table 24. Interviews with digital labour platforms

Interview status	Platform name	Delivery of service (online/ on-location/ both)	Skill level required to perform task (low/ high skilled/ both)	Employment status (self-employed/ work contract/ both)	Platform size (small, local/ large, multi-country)
Completed	Solved.fi	Online	High skilled	Self-employed	Large/ multi-country

Interview status	Platform name	Delivery of service (online/ on-location/ both)	Skill level required to perform task (low/ high skilled/ both)	Employment status (self-employed/ work contract/ both)	Platform size (small, local/ large, multi-country)
	Upwork	Online	High skilled	Self-employed	Large/ multi-country
	Freelancer	Online	High skilled	Self-employed	Large/ multi-country
	Scribeur	Online	High skilled	Self-employed	Small/ local
	Wirk	Online	High skilled	Self-employed	Small/ local
	Voocali	Online	High skilled	Self-employed	Small/ local
	Didaxis	Online	High skilled	Self-employed	Small/ local
	TestBirds	Online	Low skilled	Self-employed	Small/ local
	Wolt	On-location	Low skilled	Self-employed	Large/ multi-country
	Uber	On-location	Low skilled	Self-employed	Large/ multi-country
	Deliveroo	On-location	Low skilled	Self-employed	Large/ multi-country
	Bolt	On-location	Low skilled	Self-employed	Large/ multi-country
	Free Now	On-location	Low skilled	Self-employed	Large/ multi-country
	Pozamiatane	On-location	Low skilled	Self-employed	Small/ local
	DeliveryHero	On-location	Low skilled	Self-employed/ Work contract	Large/ multi-country
	Workis	On-location	Low skilled	Work contract	Large/ multi-country
	Zenjob	On-location	Low skilled	Work contract	Small/ local
	TaskHero	On-location	High skilled	Work contract	Small/ local

Interview status	Platform name	Delivery of service (online/ on-location/ both)	Skill level required to perform task (low/ high skilled/ both)	Employment status (self-employed/ work contract/ both)	Platform size (small, local/ large, multi-country)
Declined or no response	Melascrivi, Appen, Crowd Guru, Solutio, Hilfr, Takeaway, Codeable, Insolvo, Liberprofi, Worksome, Classgap, Legal Dutch, Jovoto, Jobbi, Streetspotr, Clickworker, Expertcloud, Qjobs, Badakan, Transversal, L'Ecole des Possibles, Tus clases particulares, Helpling, A2roo, Bzzt, Charly Cares, Jadezabiore, Local Heroes, AppJobs, Hubstaff, Side, Moppi, Top Ayuda, Trixxo Exxtra, Deliver.ee, Glovo, Amazon Mechanical Turk				

2. Interview questionnaire

Introduction

Several directions of possible policy action by the EU to improve the working conditions of people working through platforms have been discussed by researchers and stakeholders. Such directions include:

- Clarification or determination of employment status of people working through platforms.
- Addressing algorithmic management.
- Increasing cross-border transparency.

Within these directions various approaches, options and combinations are possible, from guidance to binding laws or standards.

1) Clarification or determination of employment status:

- Non-binding guidance on the approach to reclassification claims.**
- Legally binding procedural facilitations to challenge employment status (a rule on **shifting the burden of proof** to the platforms).
- Rebuttable presumption** (of employee status): This could apply to 1) all people working through platforms; or 2) only those in on-location platform work.
- The shift in the burden of proof and/ or the rebuttable presumption could be supported by **criteria or indicators** determining the existence of an employment relationship (or of self-employed activity) in platform work.
- Administrative procedure** through which the person, their representative or the platform could determine the correct employment status for a given business model.

2) Algorithmic management

- **Guidance:** Non-binding guidelines regarding possible Member State actions to strengthen platform workers' rights in algorithmic management.
- **Rights:**
 - Increasing transparency.
 - Guaranteeing human oversight.
 - Ensuring appropriate channels for redress.
 - Reinforcing information and consultation rights.
 - Strengthening the right to privacy.
 - Promoting ratings portability.
 - Excluding automatic contract terminations.

3) Increasing cross-border transparency

- **Guidance:** Non-binding guidelines regarding possible Member State actions to introduce information requirements or registers of platforms.
- **Publication requirement for platforms:** Obligations under this sub-option could be limited to platforms above a certain size.
- Establishment of central register at national level, which includes all platforms active in the respective Member State.
- EU register of platforms: A similar register at EU level.

In addition, further support to people working through platforms could be provided by Member States:

- Establish **enforcement provisions** such as the right to redress, procedures on behalf or in support of workers (e.g. by trade unions), the right to compensation, protection from dismissal for claiming rights, access to evidence and penalties.
- Provide **advice and guidance** to people working through platforms on the tax, social security and/ or labour law obligations of their platform activity via information websites and hotlines.
- Support **social dialogue** and capacity building of social partners in platform work.
- Encourage the establishment of **ombudsman** institutions at national level to mediate between the platforms and people working through them.

Interview questionnaire for digital labour platforms

1. Could you provide an estimate of the number of people who actively provide services through your platform, the average number of hours worked and the average earnings per hour? *(if not available from other/ public data sources).*

2. What would be the main **costs and benefits** to your platform associated with the policy directions presented in the introduction? What would be the possible benefits and costs concerning your organisation’s operations and competitiveness?

/open ended – please single out the most important positive and negative impacts, costs and benefits/

Clarification determination employment status	or of	Addressing management	algorithmic	Increasing transparency	cross-border

3. [For platforms functioning in multiple countries] To what extent does the approach to contracting people who provide services through your platform differ in each country where your platform operates? To what extent would a **uniform approach** across the EU regarding rules on contracting these people bring you savings? In other words, how much time does your platform invest in adapting to the legal framework in each EU country when it comes to contracting people working through platforms?
4. When considering costs, please think about **direct payments** platforms would have to pay to public authorities and people working through platforms in addition to what you are currently paying. Could you estimate how high these costs would be?

Clarification determination employment status	or of	Addressing management	algorithmic	Increasing transparency	cross-border

5. Please consider the possible **administrative costs** (for example, responding to the presumption of employment, reporting information to the national or EU authorities, providing better algorithmic transparency and human oversight?). Could you possibly estimate how much each of these costs would amount to in terms of working hours to the company?

Clarification determination employment status	or of	Addressing management	algorithmic	Increasing transparency	cross-border

6. In your opinion, what would be the benefits and costs of these policy directions to **people working through platforms**? Think for example about job satisfaction, productivity and tenure of people working through platforms?

Clarification determination employment status	or of	Addressing management	algorithmic	Increasing transparency	cross-border

7. What improvements or drawbacks for **consumers** could result from these policy directions?

Clarification determination employment status	or of	Addressing management	algorithmic	Increasing transparency	cross-border

Interview questionnaire for other stakeholders

1. In your opinion, what would be the most significant positive and negative impacts of the policy directions as presented above? Please consider the different policy approaches:

- Clarification or determination of employment status
- Addressing algorithmic management
- Increasing cross-border transparency

/open ended – please single out the most important positive and negative impacts, costs and benefits/

More specifically, could you elaborate (choose the most pertinent impacts)

	Clarification or determination of employment status	Algorithmic management	Cross-border transparency
a) What would be the effect of these policy directions on employment ? In other words, would digital labour platforms/businesses generally (depending on the policy option) employ more or fewer people who now work as independent contractors? How would it affect the number of working hours available to the workers? Why?			
b) What would be the effect on the earnings of people working through platforms?			
c) What would be the effect on the working conditions of people working through platforms? Work autonomy? Flexibility? Job satisfaction? Collective dialogue?			
d) What would be the effect on the social rights/ social protection of people working through platforms? Working time and availability of paid holidays? Health and safety protection? Access to different social protection schemes? Access to redress?			
e) What would be the effects on competitiveness of digital platforms, businesses (other than digital platforms), SMEs? In the EU? Outside the EU?			
f) What would be the effects on public budgets ?			

	Clarification or determination of employment status	Algorithmic management	Cross-border transparency
g) What would be the public policy implementation and enforcement challenges (costs) ?			
h) What would be the effects on consumers ?			

2. Which groups would lose or benefit most from these policy measures and which groups stand most to lose? What's the likely effect of these measures on **digital labour platforms**? How would these measures affect **other businesses** that either compete with digital labour platforms or collaborate with them?

Clarification or determination of employment status	Addressing algorithmic management	Increasing cross-border transparency

3. In your view, what would happen with regard to the situation of the most affected groups, if there is **no further EU action** (i.e. the policy measures under consideration are not adopted)?

Clarification or determination of employment status	Addressing algorithmic management	Increasing cross-border transparency

Annex 4F: Survey methodology report

1. Introduction

The online panel survey of people working through platforms and experiencing algorithmic management at work is a web survey conducted by PPMI as part of the *Study to support the impact assessment of an EU Initiative on improving the working conditions in platform work*. The aim of the survey is to assess and quantify the prevalence of platform work in Europe in the COVID-19 context, the profile of people working through platforms, their sources of income, entitlements and remuneration, as well as work patterns, types and conditions. This methodological report accompanies the survey dataset.

The survey fieldwork was carried out in June 2021. The researchers achieved a total sample of 10,938 valid responses from daily internet users aged between 16 and 74 years-old in 9 selected EU countries: Denmark, France, Germany, Italy, Lithuania, the Netherlands, Poland, Romania and Spain.

This report provides detailed information on the complete survey process, from survey design to data validation and weighting. It also includes considerations of data limitations and potential sources of bias which should be considered when drawing insights from the survey data.

The second and third chapters provide information of the pre-fielding phase: mode selection, sampling design and questionnaire design. Chapter 4 discusses in more detail the potential sources of measurement and representativeness errors stemming from the survey design, as well as measures taken to address them. Chapter 5 then explains the fielding process step by step. Finally, Chapter 6 details the post-field adjustments, covering the data cleaning, validation and weighing. Survey questionnaires in all survey languages are presented at the end of this document.

2. Sampling design

The sampling design for the survey was based on the **non-probability** quota sampling approach using opt-in internet panels. As in the earlier similar surveys (i.e. COLLEEM, EIGE 2020) this approach was well suited given the budget, aim and scope of the data collection activities for the impact assessment. First, applying the same methodology as in earlier similar surveys allowed to collect comparable data, showing developments in platform work in time, which was important for the baseline projections. Second, getting responses using non-probability sampling is multiple times faster and less expensive as compared to probability sampling: sample is known to researcher, and respondents are motivated to respond quickly as compared to people who are randomly selected. This was the most cost-effective sampling design in the view of the objectives of the study and resources allocated to achieve them.

This chapter presents the mode of the survey and sampling design in detail.

Mode of the survey

A self-administered online panel survey mode met the general aims of the study well, given the survey's large scope and sample, multiple languages and cost restrictions. At the same time, this mode is related to a number of possible sources of error, such as biased population, honesty of responses, no knowledge of who is answering and under what conditions, and no possibility to clarify the questions or specific terms used without an interviewer. These are discussed in more detail in Chapter 4.

To implement this online panel survey and gather knowledge from EU citizens/ service providers participating in digital labour platform activities, we employed two online tools.

First, we programmed and managed the survey using our in-house web survey tool Alchemer.³¹² The tool features full functionality needed to ensure the implementation of a user-friendly survey and gathering of all the needed information (responses and paradata). The survey was accessible from all devices, including desktop computers, smartphones and tablets with different operating systems (Windows, macOS, iOS, Android).

To disseminate the survey to respondents, as in the COLLEEM surveys, we used the services of an online panel survey aggregator CINT.³¹³ CINT has access to 144 million members of the public through opt-in access panels in over 130 countries. These members of the public have provided sufficient demographic information about themselves, making it possible for us to target respondents by gender aged 16 to 74.

Population and country coverage

Nine countries were selected to carry out the survey in the EU. To make sure that the selection is representative of the EU as a whole, a number of indicators were considered during the selection:

1. Prevalence of platform work based on Flash Eurobarometer 467, 2018.³¹⁴
2. Precarious employment, 2019.³¹⁵
3. Self-employed, as a percentage of total employment (modelled ILO estimate), 2019.³¹⁶
4. Involuntary temporary employment, percentage of employees, 2019.³¹⁷
5. Temporary employees, as a percentage of the total number of employees, 2019.³¹⁸
6. Part-time employment as a percentage of total employment, 2019.³¹⁹
7. Labour market slack, as a percentage of extended labour force, 2019.³²⁰
8. Unemployment, as a percentage of total population, 2019.³²¹
9. Long-term unemployment, as a percentage of active population, 2019.³²²

³¹² <https://www.alchemer.com/>

³¹³ <https://www.cint.com/>

³¹⁴ European Union Open Data Portal (n.d.), available [here](#).

³¹⁵ Eurostat (2021), table lfsa_qoe_4ax1r2, available [here](#).

³¹⁶ International Labour Organization (2021), ILOSTAT database, available [here](#).

³¹⁷ Eurostat (2021), table tesem190, available [here](#).

³¹⁸ Eurostat (2021), table tesem110, available [here](#).

³¹⁹ Eurostat (2021), table lfsa_eppgan, available [here](#).

³²⁰ Eurostat (2021), table lfsi_sla_q, available [here](#).

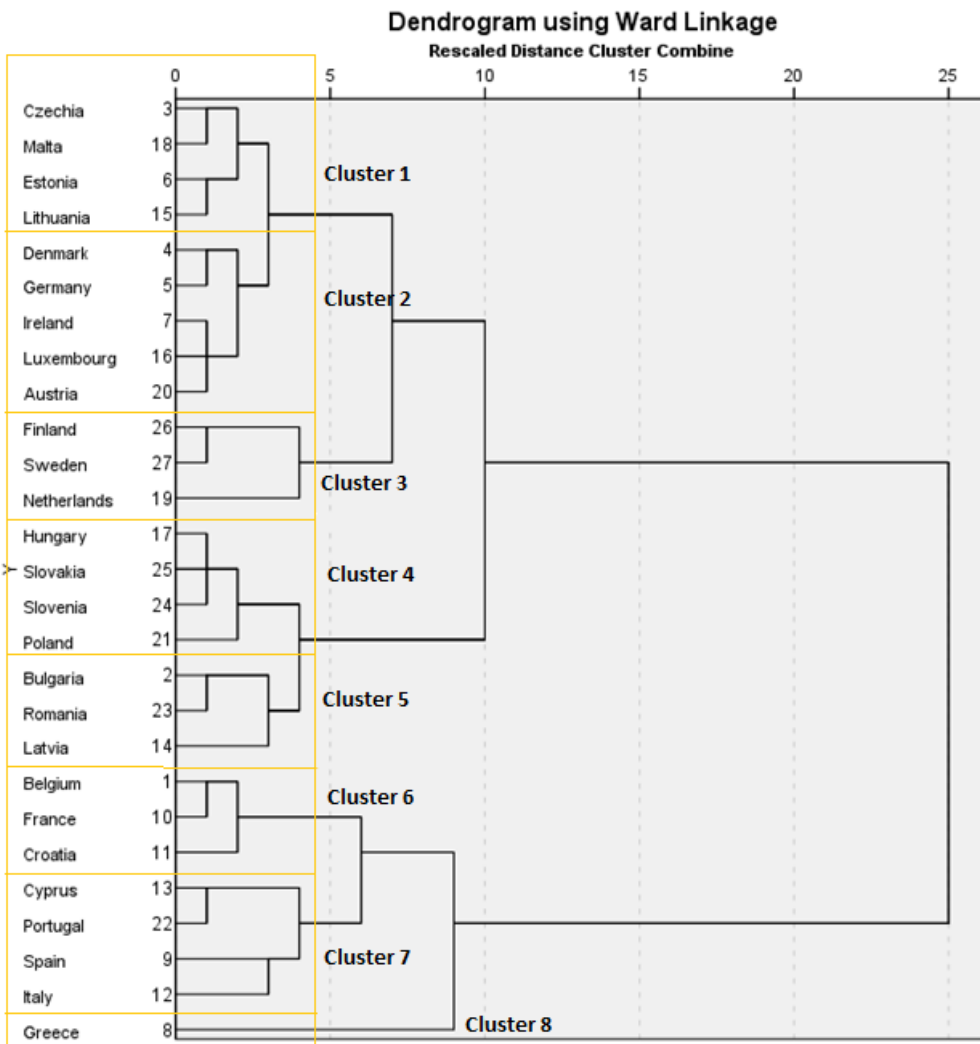
³²¹ Eurostat (2021), table une_rt_a, available [here](#).

³²² Eurostat (2021), table une_ltu_a, available [here](#).

- 10. Active population, as a percentage of total population (15-64), 2019.³²³
- 11. Internet purchases by individuals in the past 12 months, 2020.³²⁴

We then clustered countries in the EU that are similar to each other based on the indicators above using hierarchical cluster analysis. Ward’s method, using squared Euclidean distance, was applied for the grouping of cases. It minimises the variance within groups and maximises their homogeneity. The exercise resulted in eight clusters, illustrated in the dendrogram below. As illustrated, the size of the clusters varies: some include one country only (Greece) whereas others include more Member States (Cluster 2, for example, includes Denmark, Germany, Ireland, Luxembourg and Austria).

Figure 13. Results of the hierarchical cluster analysis



In essence, the dendrogram shows the extent to which countries are similar to one another based on the variables on the previous page. The figure also shows the extent to which

³²³ Eurostat (2021), table tipslm60, available [here](#).

³²⁴ Eurostat (2021), table soc_ec_ibuy, available [here](#).

each country is able to represent other countries in the same cluster (i.e. within Cluster 1, Czechia would be a better representation of Malta than of Estonia or Lithuania).

As a next step, the preliminary country selection for the survey was made taking into account not only the results from in the dendrogram, but also trying to balance:

1. More and less active countries in terms of regulation of platform work, taking into account:
 - a. The preliminary results from the review of national measures.
 - b. The European Centre of Expertise's (2021) Thematic review on platform work (forthcoming).
 - c. The European Centre of Expertise's (2021) Case law review 'the Jurisprudence of national Courts confronted with cases of alleged misclassification of platform workers: comparative analysis and tentative conclusions' (forthcoming).
 - d. Geographic diversity.
 - e. Large and small countries.

Based on the process above, we selected the following countries, representing broader geographical regions/ clusters that they belong to:

1. Lithuania
2. Denmark
3. Germany
4. the Netherlands
5. Poland
6. Romania
7. France
8. Italy
9. Spain

The target population within each country for the survey were all **daily internet users aged 16 to 74** in 2021.

Sampling targets

The survey aimed at providing a minimum of 1,000 responses per country (with a total of 10,000 responses). To sample the respondents, the researchers applied a quota-based 'non-probability sampling design'. Quotas of respondents were established to guarantee representative estimates according to age groups (16 to 24, 25 to 54 and 55 to 74) and gender (male/ female). Targets of completed responses in each group were allocated proportionally to the size of this group in the total population of internet users aged 16-74 in each country.

We used Eurostat's most recent³²⁵ data on population by age and sex (table demo_pjan) from the 'Labour Force Survey' (LFS) for calculating the population in each age-gender category in each country. These figures were then multiplied by the proportion of internet users in each respective age-gender category (obtained from the Eurostat's 'Community

³²⁵ Population on 1 January 2021.

survey on ICT usage in households and by individuals'³²⁶) to compute the population of internet users by age-gender groups. Quotas for the target samples were then compiled by multiplying the population of internet users in the selected age-gender category by the target sample size (1,200: the target size for the total number of responses was increased having in mind that some of the responses will be removed as invalid) and dividing by the total population of internet users aged 16-74 in the selected country:

$$\text{quota for } X \text{ age – gender category} = \frac{\text{population of internet users in } X \text{ age – gender category} \times \text{target sample size}}{\text{total population of internet users aged 16– 74}}$$

The target sampling allocation in each quota is presented in the table below.

Table 25. Number of target respondents in each quota

	Gender/Age	16 to 24	25 to 54	55 to 74	Total
Denmark	Female	96	323	177	1,199
	Male	99	326	178	
France	Female	102	358	150	1,199
	Male	111	333	145	
Germany	Female	81	340	165	1,200
	Male	88	352	174	
Italy	Female	84	357	150	1,201
	Male	89	362	159	
Lithuania	Female	94	390	154	1,200
	Male	101	371	90	
The Netherlands	Female	92	322	178	1,200
	Male	97	325	186	
Poland	Female	94	399	118	1,201
	Male	101	389	100	
Romania	Female	107	392	101	1,201
	Male	111	405	85	
Spain	Female	82	377	151	1,201
	Male	87	371	133	

³²⁶ Dataset 'isoc_ci_ifp_iu' on the individuals' internet usage in the last 3 months was used (reference period: first quarter of 2017).

3. Questionnaire design

The questionnaire design for the survey built on the questionnaires of earlier relevant surveys and research on the topic of platform work. This chapter presents the questionnaire development process and rationale.

Designing survey questions

In questionnaire design, we combined two approaches. First, we focused on identifying and applying the ‘tried-and-tested’ survey questions from existing surveys measuring relevant concepts. Using validated questions from other recognised surveys ensured higher comparability and validity of the results obtained. Whilst preparing a final questionnaire, we conducted an extensive desk research to find possible useful instruments that have been used in other surveys. Examples of surveys we used are the COLLEEM surveys, ‘EU – Labour Force Survey’ and the ‘European Working Conditions Survey’.

The second approach we applied meant designing ‘case-tailored’ and context-specific questions. We translated broad, theoretical concepts of the study into proper measurable indicators and then into survey questions. In this process, we relied on the best practices in survey methodology, as presented in the body of research on this data collection method. For example, we thoroughly addressed the specificities of factual, behavioural and attitude questions and aimed to ensure that our questionnaire measures what it claims to be measuring (i.e. have high construct validity) by undertaking various types of testing. Content-wise, we also aimed to base the questions and answer categories on the most recent research and relevant EU documents in the field of digital work.

Having in mind that lengthy questionnaires have a negative effect on survey engagement and are associated with respondent fatigue, lower quality of responses, and pre-terminated surveys, we designed a rather brief questionnaire. We dropped all unessential questions, as well as applied filtering of eligible respondents and questionnaire branching. Specific sections were addressed at people working through platforms; people not working through platforms but exposed to algorithmic management at work; and all the remaining respondents from the groups targeted with quotas. The final questionnaires in English and all survey languages are presented at the end of this document.

In the questionnaire development phase, we thoroughly tested our questionnaire by applying several different pre-testing methods: expert reviews, cognitive interviewing, technical testing and piloting.

Expert reviews. To ensure that the questionnaire tackled the most relevant aspects of carrying work via digital labour platforms, we submitted the questionnaire for expert feedback. This process took place as part of internal questionnaire review. The reviewers from the project team and DG EMPL provided feedback on survey questions after systematically analysing each question in terms of concepts of interest, comprehension, information retrieval, judgement and response generation. The revised version of the questionnaire then was tested by other methods.

Cognitive interviews. Cognitive interviews were aimed at understanding the cognitive processes that the respondent engages in when answering a question. During in depth one-

on-one interviews, we went through the questionnaire with four persons working through platforms (two online workers and two on-location workers) and asked them about each questionnaire item. We mainly employed the think-aloud technique, yet for some questions we asked respondents to paraphrase the question or come up with an answer to it based on our vignettes. This exercise intended to identify:

- Whether respondents had any problems with comprehending any of the questions (including the reference points, specific wording and scales).
- Whether respondents felt they were unable to answer any questions due to lack of information or finding it difficult to recall (e.g. over a long period of time).
- Whether all scales and response categories fully covered the full range of likely responses.

We identified several difficulties respondents had in areas such as question comprehension, recall of information, answer generation or providing a response, and adverse reactions to sensitive or difficult questions. All the insights gathered in pre-testing then fed into questionnaire improvement. Based on the cognitive interviews, we:

- Rephrased and simplified several questions and response options, to make them shorter and more comprehensible.
- Changed the wording in some questions to make it more consistent throughout the questionnaire.
- Added several more extensive instructional texts, allowing to better follow the changing reference points throughout the questionnaire.

Questionnaire technical testing. To ensure the questionnaire works well on the online survey tool, we implemented the following steps:

- Review of the technical implementation and debugging, which included testing the survey branching, piping, validation of responses and filters, as well as making questions compulsory.
- Ensuring survey stability across browsers and operating systems, by testing and reviewing visual displays, correct functioning of features/ responses and other aspects on computers (Windows and macOS, different browsers), tablets and smartphones (Android and iOS).

Once tested and finalised, the English version of the questionnaire was translated into 9 survey languages by professional native-speaker translators, working with survey translations on a regular basis. These translations were subsequently proofread by other native speaker translators of each language, as part of the standard quality assurance process of the translation agency. We iterated the translation quality checks with external translators. Any issues that were noticed were reported back to the translators in order to come up with new, better formulations, until we arrived at the most precise translations.

Generally, all translations were required to maintain semantic, conceptual and normative equivalence across all surveyed countries. In order to ensure this, the final questionnaires in many cases were translated not word for word from English, but to ensure that the connotations of the question wording and the overall meaning remain the same. For some languages, it required leaving English terms in brackets in the question text. This specifically

concerns digital economy-specific terms, such as *crowdfunding*, *peer-to-peer*, *tagging* and so on.

4. Potential sources of error in the survey design

The design of this non-probability has several characteristics that are important to understand when evaluating the quality of data. These are related to the characteristics of the survey mode, questionnaire, sampling strategy and post-fielding adjustments. Further we discuss these potential sources of survey error in detail, as well as explain the measures that we applied to address them.

Measurement error

The survey topic – platform work – is rather new, complex and fluid: this area is rapidly changing, developing, and taking new and unexpected forms. Coupled with self-administered survey mode (especially given the absence of an interviewer who could clarify the concepts used), this can potentially be an important source of measurement error.

First, having in mind the extensiveness, complexity and novelty of the topic, as well as the lack of consolidated universal vocabulary to speak about platform work, it is not necessarily well understood among the general population. This has likely implications on the proper comprehension of – and therefore reporting to – the survey questions. Without interactive (interviewer-respondent) element in the survey process, we cannot be sure what the respondent has in mind when thinking about platform work.

Further, measurement error is more likely in several specific questions of the survey. For example, several survey questions are long and complex, although this was necessary to provide a precise definition of what we consider platform work or have in mind more generally. Lengthy formulations lead to respondent fatigue and are more difficult to comprehend properly.

Also, the questionnaire has many reference points related to different aspects of platform work (i.e. platform activities in general, platform work in general, selected main activity via platforms, activity on platforms in general). This requires that the respondents read the questionnaire carefully, and respond taking the different reference points into consideration – which is difficult to ensure in a self-administered survey mode.

Some of the questions, especially those related to working time and income, required a notable estimation skills and efforts from the respondents. The data analysis showed that they could not always provide consistent responses, related to the absolute and percentage expressions of the same indicators (e.g., Q50, Q21 and Q52 of the questionnaire).

To mitigate these issues to the extent possible, we applied various techniques that were aimed at guiding respondents throughout the questionnaire. These included intentional specific question order and wording, piping of previous responses to clarify reference points in the following questions, as well as extensive use of instructional texts.

Another potential source of measurement error stems from questionnaire translations. The translators aimed to provide questionnaire texts of the equivalent meaning and connotations

to the original English language questionnaire rather than exact word-for-word translations. Although this is a widely recognised approach, it leaves some wording/structure decisions to translators, whose choices do not necessarily coincide with those made by the researchers who designed the questionnaire. We expect that additional reviews of the translations described above mitigated this issue to some extent.

Finally, the reliance on opt-in internet panels was one of the aspects of survey mode which can also have indirect impact on measurement. Generally, in opt-in panels, the members have sought out the panel and signed up to take surveys, usually in order to earn cash or rewards. An array of measuring problems related to this is discussed in the literature, including false answers, careless responses, satisficing and giving the same answer repeatedly, among others.³²⁷ Although extensive measures were developed and applied to identify the fraudulent responses (see sections of post-fielding), this source of error in the final data cannot be ruled out entirely.

Statistical representativeness of the sample

Besides the above-mentioned measurement error, internet access opt-in panels (that are by definition non-probability samples), have a number of inherent problems related to representativeness, including:

- Coverage error: general population access panels tend to exacerbate the differences (too many females, not enough young people, not enough older people, etc.).
- Non-response error: many people do not respond to the survey invitation.

If the panel is made up of people who are in some ways systematically different than the population that we need information about, the risk exists to get survey estimates that will differ from the true values in the population of interest. Generally, the opt-in panels tend to underrepresent the youngest and the oldest age cohorts, and this was also the case for the 2021 survey.

Then, a number of researchers have found that non-probability surveys tend to be consistently less accurate than probability surveys³²⁸, especially in the measurement of population values³²⁹. Nonetheless, earlier research also shows that a mildly biased but large internet survey can produce even more reliable estimates than an unbiased but small survey (because of the random error due to the small samples)³³⁰ – although generally the results of numerous studies comparing probability and non-probability surveys are more mixed.³³¹

³²⁷ See, for example, Hays, R. D., Liu, H., & Kapteyn, A. (2015). Use of internet panels to conduct surveys. *Behavior research methods*, 47(3), 685-690.

³²⁸ Malhotra, N., & Krosnick, J. A. (2007). The effect of survey mode and sampling on inferences about political attitudes and behavior: Comparing the 2000 and 2004 ANES to Internet surveys with nonprobability samples. *Political Analysis*, 15(3), 286-323. Chang, L., & Krosnick, J. A. (2003). RDD Telephone vs. Internet Survey Methodology: Comparing Sample Representativeness and Response Quality. Unpublished Paper, Ohio State University.

³²⁹ Brüggem, E., Van Den Brakel, J., & Krosnick, J. (2016). Establishing the accuracy of online panels for survey research. *Statistics Netherlands*, 1-44.

³³⁰ Hill, S. J., Lo, J., Vavreck, L., & Zaller, J. (2007). The opt-in Internet panel: Survey mode, sampling methodology and the implications for political research. Unpublished manuscript at the University of California, Los Angeles, California.

³³¹ Comesse et al. (2020). A review of conceptual approaches and empirical evidence on probability and nonprobability sample survey research. *Journal of Survey Statistics and Methodology* 8(1), 4-36. Available [here](#).

Another potential bias stemming from using the opt-in panels for this study is related to its topic - platform work. For the respondents, participation on online opt-in panels is a way to earn online, which is also a part of our definition of platform work. In some cases, completing surveys through opt-in panels is a type of platform micro-work itself (although it is considered to be 'work' – a term we use in our questionnaires – more rarely, only when it takes place more often than just sporadically). It is therefore likely that the survey data overrepresents people who are more prone to earn online, including through platform work, and especially online platform work. However, in the absence of probability data on platform work in the EU, it is impossible to estimate to what extent.

Measures of quality assurance

Considering the aspects of survey design discussed in the sections above, we applied a set of quality assurance measures, aimed at reducing, as much as possible, the potential sources of survey error and improving the survey data quality. They are briefly summarised below. Each measure is described in more detail in the discussion of the overall survey process, in the previous (pre-fielding) and following (fielding, post-fielding) chapters of the report.

- We involved experts knowledgeable in platform work and survey methodology for questionnaire development and expert reviews. Their insights were integrated through a number of iterations of questionnaire development.
- The questionnaire was further tested using several approaches, both without (cognitive interviewing) and with data collection (piloting).
- The questionnaire translations were reviewed in several stages: by second translator in the agency, by additional independent translators and by the JRC. If the views of different translators differed on particular wording choices, the translations were returned to the agency with a request to explain the wording choice or review.
- Once implemented into the survey tool, all nine versions of the questionnaire went through extensive technical testing. Each version was fully reviewed by at least three researchers before fielding.
- Each step of the survey design, fielding and post-fielding process was thoroughly documented, allowing the survey team to go back and review previous versions of each file.
- Data cleaning, identification of fraudulent responses was implemented to remove observations from individuals who tended to provide likely low-quality responses.
- Weighting was implemented to adjust for sampling errors, using an extensive set of indicators on the EU population of daily internet users. However, it might not have solved all the biases, given that as of mid-2021 no more reliable (i.e. based on probability samples) and consistent EU-27 data exists on platform work to be applied in calibration.

5. Survey fieldwork

As this online survey was self-administered, the fieldwork was mostly managed by the survey software and required minimal intervention by the researchers once the fielding campaigns were set up and launched.

The survey fielding started on 31 May 2021 with a pilot launch. The primary objective of the pilot was to ensure that the survey questionnaires adequately convey the intended research questions, as well as to measure the intended attitudes, reported facts and behaviours. Secondly, the pilot launch helped to test the method of contacting respondents, the questionnaire logic/ routings, export of data from the online tool and incidence of technical errors in general. Thirdly, it allowed to test the translated questionnaires to detect any issues related to the translation itself.

After the collection of around 30 responses per country, we analysed the data, focusing on several aspects:

- **Response distributions.** Distributions that are counterintuitive knowing the results of earlier survey on platform work, presenting non-normal distribution, or with a large share of 'Do not know/ Cannot answer' responses served as a flag to further investigate the issue. No major issues were identified.
- **Characteristics of respondents** using the data provided by CINT. CINT stores the data on each respondent which is collected in a survey when a person registers on a panel. We compared the country, education, age and gender of the respondents against our targets and data gathered by our survey tool.
- **Survey paradata.** We checked the survey taking time, time spent on each page, and if there is a trend in the points of survey termination in incomplete responses. No alarming trends/ issues were identified at the pilot stage.
- **Technical aspects.** We checked if all the responses are recorded/ exported properly, and follow the questionnaire logic/ branching. No major issues were identified.
- **Open answers.** Analysis of the responses to the open questions indicated some problems with comprehension, related mainly to the fact that this questionnaire of a self-administered online. After the pilot, we addressed this with additional instructional texts, while the question wording remained unchanged.

After the necessary adjustments were implemented, the full launch was started on 4 June 2021, and closed, after filling the quotas, on 14 June 2021. The total number of responses in the initial dataset (i.e., before data validation and cleaning) was 11,557.

6. Post-field adjustments

The post-field adjustments constituted the final step of data preparation for analysis. It consisted of data cleaning/ validation and weighting. Further in this chapter we present both procedures and their outcomes, reflected in the final survey dataset.

Data cleaning and validation

Once the field phase was complete, the dataset was rigorously cleaned in order to ensure data quality. A number of data quality and validity related issues were identified and fixed before proceeding with the calculation of survey weights, all outlined below. From a total of 11,628 responses received initially, we deleted 690 responses meaning that the final clean dataset contains 10,938 observations. Among these, people who worked through platforms more at least occasionally in the past six months comprised 1,722 respondents (15.7% of the unweighted sample).

To clean and validate the data, the responses were checked to prevent duplicate completes (the same person completing the survey twice) using identification variables from panel providers. Then, we performed checks for poor quality responses, specifically, for straight-lining, such as selecting the same answer for all options in a grid-type question, and for suspicious ‘speeding’ behaviours, which we analysed by assessing the overall and page-by-page time it took to complete the survey.

This was followed by advanced validations or logic tests, involving univariate and multivariate procedures. An example of univariate validation is checking distributions of all variables and identifying outliers. Multivariate validation procedures involved finding interrelated variables and making logical checks that are used to find errors or inconsistencies.

Overall, we implemented over 30 quality and validity checks. These covered inconsistencies between respondent background data from the panel and their responses, contradicting responses, speeding, straight-lining, and providing outlier answers to numeric questions, or nonsensical answers to open response options. We assigned a specific weight, ranging from 1 to 2, for each of the tests implemented in data cleaning. We then removed all respondents who achieved a weighted score of 3 or more failed tests. These respondents failed multiple tests and, as a result, we could not ensure that their responses to other questions were valid, while in other cases (i.e., when the pattern of illogical responses is not that clear) we assumed an honest mistake.

The resulting sample sizes by country are presented in the table below.

Table 26. Description of the final sample by demographic segments

	Gender/Age	16 to 24	25 to 54	55 to 74	Total
Denmark	Female	81	347	174	1,155
	Male	73	311	169	
France	Female	99	421	217	1,419

	Gender/Age	16 to 24	25 to 54	55 to 74	Total
Germany	Male	92	356	234	1,200
	Female	81	362	171	
	Male	85	321	180	
Italy	Female	83	345	155	1,183
	Male	85	353	162	
Lithuania	Female	92	385	176	1,245
	Male	112	369	111	
The Netherlands	Female	80	311	179	1,140
	Male	78	303	189	
Poland	Female	94	408	118	1,191
	Male	93	375	103	
Romania	Female	108	384	105	1,186
	Male	93	403	93	
Spain	Female	80	402	151	1,219
	Male	86	368	132	

Data weighting

Samples from non-probability sampling surveys, as explained above, depend on voluntary answers, and it is impossible to ensure that each member of the target population has a measurable and non-zero probability to be invited to the survey. The absence of random probability sampling and self-selection can produce biased results. Thus, appropriate estimation from non-probability sampling surveys tends to rely on post-field adjustments (i.e., weighting or modelling estimates) and on the assumptions behind these.³³² These adjustments are normally based on official, probability-based data (e.g., surveys available on Eurostat).

Probability-based statistics on people working through platforms are not available, so we compared the whole sample (including both people working through platforms and those disqualified from the survey) with the official statistics on daily internet users. When compared to data from official statistics, people with low formal education were underrepresented in virtually all countries. In some countries, this underrepresentation was severe. Men aged between 25 to 54 years were also underrepresented when compared with the whole population, although to a lesser extent. If our sample underrepresents internet users with low education, it is also likely to underrepresent people working through platforms with low education because they are a subpopulation of internet users.

To reduce these discrepancies, we carried out post-stratification weighting. An unweighted computation of estimates from the survey would risk producing biased estimates caused by

³³² Mercer, A.W. et al. (2017) Theory and practice in nonprobability surveys: Parallels between causal inference and survey inference. *Public Opinion Quarterly*. 81, 250-279.

giving less importance to underrepresented groups of internet users. To avoid bias, this survey was weighted using a calibration procedure.

The survey included three weights, which were computed using the same procedure:

- Grossed weights scaled to the sample ($w1^{333}$), which all survey countries are analysed jointly. The frequencies reported when this weight is applied represent the number of internet users in each country scaled to the size of the sample (i.e., sum of $w1$ equals the survey sample size).
- Calibration weights ($w2$), which should be used for within-country estimates only (e.g., proportions of men and women working through platforms in a specific survey country, but not across all 9 countries in the sample). Calibration weights sum to the achieved sample total in each country.
- Grossed weights ($w3$), which can be used either for country-level estimates or when an estimate combines cases from multiple countries. This variable controls for the different size of the population of each country. The frequencies reported when this weight is applied represent the number of daily internet users in each country, i.e., results are reported in millions. Therefore, when using $w3$, results will appear as if they come from a sample of millions of observations (i.e., the whole target populations).

To calculate the weights, we applied an iterative proportional fitting technique using ‘raking ratio estimation,’ also known as raking. The raking algorithm uses known population totals and adjusts the marginal frequencies of auxiliary variables in the sample to those known population totals. It involves repeated estimation of weights across a selected set of variables in turn until the weights converge and stop changing³³⁴. Essentially, raking forces the survey totals of auxiliary variables to match the known population totals by assigning a weight to each respondent³³⁵.

In other words, raking consists of adjusting the proportions of certain variables in the sample (usually called ‘auxiliary’ or ‘control’ variables) to given population proportions. Population proportions (in this survey, data from official statistics about internet users) are used as a ‘gold standard’ to adjust the survey sample of respondents. Raking adjusts a set of data so that the (weighted) totals of auxiliary variables match those expected from population proportions. Its algorithm adjusts one variable at a time in an iterative way until the sample totals of all auxiliary variables are virtually equal to the population totals.

The survey was adjusted by country and the raking procedure included the following variables:

- Age and gender.
- Country of birth (whether a respondent was born in the survey country).

³³³ Variable name in the dataset.

³³⁴ For more detail on iterative solutions to post-stratification weighting, see Johnson, D. R. (2008), ‘Using Weights in the Analysis of Survey Data’. Available [here](#).

³³⁵ Anderson, L., & Fricker Jr, R. D. (2015). Raking: An important and often overlooked survey analysis tool. *Phalanx*, 48(3), 36-42.

- Level of formal education.
- Employment status.

We retrieved population estimates for the distribution (marginal frequencies) of these variables from the Eurostat data from the ‘Labour Force Survey’ and the ‘Community survey on ICT usage’. We used the most recent Eurostat data to compute the weights for the survey data. The detailed indicators of the listed variables are presented in table below.

Table 27. Eurostat tables used for the computation of calibration data variables

Eurostat survey	Table label	Gender & Age	Formal education	Employment status	Indicator(s)
N/A	demo_pjan	X	X	X	Number of people from 16 to 74 years old in each country
LFS	edat_lfs_9903		X		Proportion of people in each country, by age group and education category
LFS	lfsa_pgacws			X	Number of employed, unemployed and inactive people in each country
LFS	lfsa_igar			X	Proportion of students in each country
ICT	isoc_ci_ifp_fu	X	X	X	Country proportions of daily internet users aged 16-74 by age group & gender; by education categories; and by employment status

Variable derivation

To aid in analysis, survey respondents were grouped into the four categories (low-skill on-location; high-skill on-location; low-skill online; high-skill online) using the following mapping. The main criterion regarding assignment to high-skilled work was whether any schooling or formal training was required to carry out the tasks. Respondents indicated tasks in Q2 ‘What type of web-based remote services have you provided via online platforms since December 1, 2020?’ as well as Q3 ‘What type of on-location services have you provided via online platforms since December 1, 2020?’. If tasks from more than one category (low-skill on-location; high-skill on-location; low-skill online; high-skill online) were selected, respondents were then shown Q4 ‘Which of the following types of work via platforms did you engage in most often since December 1, 2020?’, with answer options being the tasks they selected in the two previous questions. This question was used to decide which category of work they should be assigned to.

Table 28. Mapping of survey respondents into main categories of platform work based on tasks they perform

Type of tasks	Category
Clerical and data-entry tasks	Low-skilled online
Creative and multimedia work	High-skilled online
Sales and marketing support work	High-skilled online
Software development and technology work	High-skilled online
Writing and translation work	High-skilled online
Online micro tasks	Low-skilled online
Other online professional services	High-skilled online
Transportation services	Low-skilled on-location
Delivery services	Low-skilled on-location
Housekeeping or other home services	Low-skilled on-location
Construction and repair work	High-skilled on-location
Sports, beauty, health and wellness services	High-skilled on-location
Photography services	High-skilled on-location
Pet care	Low-skilled on-location
Childcare or elderly care services	Low-skilled on-location
Teaching or counselling services	High-skilled on-location
Tourism and gastronomy services	High-skilled on-location
Temporary auxiliary work	Low-skilled on-location
Mystery shopper activities	Low-skilled on-location